

RFP-06-20-OP
NOTICE TO INTERESTED PARTIES
IMPORTANT—PLEASE READ BEFORE DOWNLOADING

This solicitation is provided to you for information purposes and is not an official document unless you register your company.

If interested in responding to this solicitation, you may choose to submit your offer on the downloaded Request for Proposals (RFP) provided you register your company by phone, fax, or email for this specific solicitation.

To register your company, please provide the information specified under "Registration." If you do not register your company, any applicable Addenda will not be sent to you, and your offer will be automatically rejected and not considered for award.

REGISTRATION:

Phone No.: (808) 586-9312
FAX No.: (808) 586-2526
E-Mail Address: bids@dbedt.hawaii.gov

Provide the following information:

⊕ Name of Company	⊕ Mailing Address
⊕ Name of Contact Person	⊕ Telephone Number
⊕ Facsimile Number	⊕ Solicitation Number

THERE ARE TWO WAYS TO RECEIVE A COPY OF THIS SOLICITATION:

1. Request a copy of this Solicitation to be mailed or delivered:

Phone No.: (808) 586-9312
FAX No.: (808) 586-2526
E-Mail Address: bids@dbedt.hawaii.gov

Provide the following information:

⊕ Name of Company	⊕ Mailing Address
⊕ Name of Contact Person	⊕ Telephone Number
⊕ Facsimile Number	⊕ Solicitation Number
⊕ Fedex (or equivalent) account number (document will be sent by U.S. Postal Service first class mail if this is not provided)	

2. Download this RFP package provided you register your company as stated above.

STATE OF HAWAII

**DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING**

**NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3**

SOLICITATION No. RFP-06-20-OP

Sealed proposals will be received up to and publicly opened at 11:00 a.m., Hawaii Standard Time, (HST)

on

MAY 5, 2006

in the Administrative Services Office/Contracts Office, No. 1 Capitol District, 250 South Hotel Street, 5th Floor, Room 510-D, Honolulu, Hawaii, 96813.

Questions relating to this Request for Proposals may be directed to Ms. Eileen Harada, phone (808) 586-9312 or facsimile (808) 586-2526.

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REQUEST FOR PROPOSALS

Department of Business, Economic Development, and Tourism
Office of Planning
Coastal Zone Management Program

Solicitation No. RFP-06-20-OP

NATIONAL COASTAL MANAGEMENT PERFORMANCE MEASUREMENT SYSTEM PROJECT PHASES 1B, 2, & 3

Pursuant to the Hawaii Public Procurement Code, Chapter 103D, Hawaii Revised Statutes (HRS), the State of Hawaii Department of Business, Economic Development, and Tourism (DBEDT), Office of Planning (OP), Hawaii Coastal Zone Management (CZM) Program is soliciting proposals for consulting services to conduct the National Coastal Management Performance Measurement System (NCMPMS) Project Phases 1b, 2, & 3.

Project Description:

The Hawaii CZM Program is soliciting proposals for consulting services to accomplish any and all tasks, as directed by the Hawaii CZM Program, in fulfillment of all federal requirements under the NCMPMS through July 31, 2008.

Major reports under the NCMPMS are currently due on a phased basis.

- Phase 1b on Public Access and Government Coordination is due to the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management (NOAA/OCRM), no later than July 31, 2006.
- Phase 2 on Coastal Habitats, Coastal Water Quality and the Phase 1b categories is due to NOAA/OCRM, no later than July 31, 2007.
- Phase 3 on Coastal Hazards and Community Development and Coastal Dependent Uses and the Phase 1b and Phase 2 categories is due to NOAA/OCRM, no later than July 31, 2008.

Compensation for services provided shall not exceed \$180,000. Please read the Request for Proposals package carefully for the services required and deadlines for completion of services.

Requirements:

All written questions must be submitted to the DBEDT/Administrative Services Office/Contracts by 4:00 p.m., Hawaii Standard Time (HST), on April 19, 2006.

Proposals shall be received up to 11:00 a.m., HST, on May 5, 2006 in the Administrative Services Office/Contracts Office, DBEDT, State of Hawaii, No. 1 Capitol District, 5th Floor,

Room 510-D, 250 South Hotel Street, Honolulu, Hawaii, 96813. Request for Proposal (RFP) documents may be obtained from said office between the hours of 8:30 a.m. to 11:30 a.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday, except for State holidays or may be downloaded from www4.state.hi.us/bidapps or www.hawaii.gov/dbedt/info/bidfiles. All interested parties must register with said office at the time the RFP documents are requested. **PLEASE NOTE: REGISTRATION IS MANDATORY.**

All proposals must comply with DBEDT General Terms and Conditions (GTC) dated April 15, 1996. The GTC for Goods and Services is available at the DBEDT website, <http://www.hawaii.gov/dbedt/info/bidfiles>. Offerors are encouraged to carefully read the entire RFP document. Proposals must be submitted on DBEDT proposal forms **with an original signature, signed in blue ink.**

All proposals must comply with Section 3-122-112, Hawaii Administrative Rules (HAR) (Exhibit D). Offeror is advised that if awarded a contract under this solicitation, upon award of the contract Offeror shall furnish proof of compliance with the requirements of Section 103D-310(c), HRS:

- 1) Chapter 237, tax clearance;
- 2) Chapter 383, unemployment insurance;
- 3) Chapter 386, workers' compensation;
- 4) Chapter 392, temporary disability insurance;
- 5) Chapter 393, prepaid health care; and
- 6) One of the following:
 - a. Be registered and incorporated or organized under the laws of the State, hereinafter referred to as a "Hawaii business"; or
 - b. Be registered to do business in the State, hereinafter referred to as a "compliant non-Hawaii business."

Eileen Harada for
Theodore E. Liu, Director
Department of Business, Economic Development, and Tourism
State of Hawaii

CAUTION

1. **ALL PROPOSALS MUST BE SUBMITTED ON DBEDT PROPOSAL FORMS. FAILURE TO SUBMIT ON SUCH FORMS MAY RESULT IN DISQUALIFICATION.**
2. **ALL INTERESTED PARTIES MUST REGISTER WITH THE DBEDT ADMINISTRATIVE SERVICES / CONTRACTS OFFICE. REGISTRATION SHALL CONSIST OF CONTACTING THAT OFFICE TO REQUEST A COPY OF THIS SOLICITATION VIA MAIL, DOCUMENT DELIVERY SERVICE, OR DOWNLOADING FROM THE INTERNET.**
3. **ALL WRITTEN QUESTIONS MUST BE RECEIVED BY DBEDT ADMINISTRATIVE SERVICES OFFICE/CONTRACTS BY 4:00 P.M., HAWAII STANDARD TIME (HST), ON April 19, 2006.**
4. **ALL PROPOSALS MUST BE RECEIVED BY THE DBEDT ADMINISTRATIVE SERVICES / CONTRACTS OFFICE BY 11:00 A.M., HST, May 5, 2006.**
5. **PROPOSAL SUBMISSIONS MUST INCLUDE AN ORIGINAL AND FIVE (5) COPIES. FAILURE TO SUBMIT PROPOSALS AS PRESCRIBED MAY RESULT IN DISQUALIFICATION. IF POSSIBLE, AN ORIGINAL SIGNATURE IN BLUE INK IS PREFERRED.**
6. **OFFERORS ARE CAUTIONED THAT FEDERAL EXPRESS AND UNITED PARCEL SERVICE DELIVERIES ARE GUARANTEED UP TO 5:00 P.M. OF THE DESIGNATED DELIVERY DATE. OFFERORS ARE CAUTIONED TO MAKE PRIOR ARRANGEMENTS TO ENSURE DELIVERY BY 11:00 A.M., HST, ON THE PROPOSAL DUE DATE.**

Proposal and registration forms are available at the:

**Department of Business, Economic Development, and Tourism
Administrative Services Office / Contracts
No. 1 Capitol District
250 South Hotel Street, 5th Floor, Room 510-D
Honolulu, Hawaii 96813
www.hawaii.gov/dbedt/info/bidfiles**

Contact person: Eileen Harada, (808) 586-9312

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

INTRODUCTION, SIGNIFICANT DATES, AND
OFFICIAL CONTACT PERSON

INTRODUCTION, SIGNIFICANT DATES, AND OFFICIAL CONTACT PERSON

NATIONAL COASTAL MANAGEMENT PERFORMANCE MEASUREMENT SYSTEM PROJECT PHASES 1B, 2, & 3

A. INTRODUCTION

The National Oceanic and Atmospheric Administration (NOAA) developed the NCMPPMS to assess the national impact of coastal management programs and to track the progress in achieving objectives of the Coastal Zone Management Act (CZMA).¹ The system serves as a mechanism for quantifying the national impact of the CZMA by tracking and aggregating indicators of the effectiveness of the CZMA programs. It will allow NOAA to better tell the national coastal program's "story" to government oversight agencies – those with funding control in the Office of Management & Budget and the Congress – about its effectiveness and ability to produce results.

NOAA has asked coastal states to collect and compile indicator data on:

- Phase 1: "Public Access" and "Government Coordination and Decision Making;"
- Phase 2: "Coastal Habitats" and "Coastal Water Quality;" and
- Phase 3: "Coastal Hazards" and "Community Dependent Uses and Community Development."

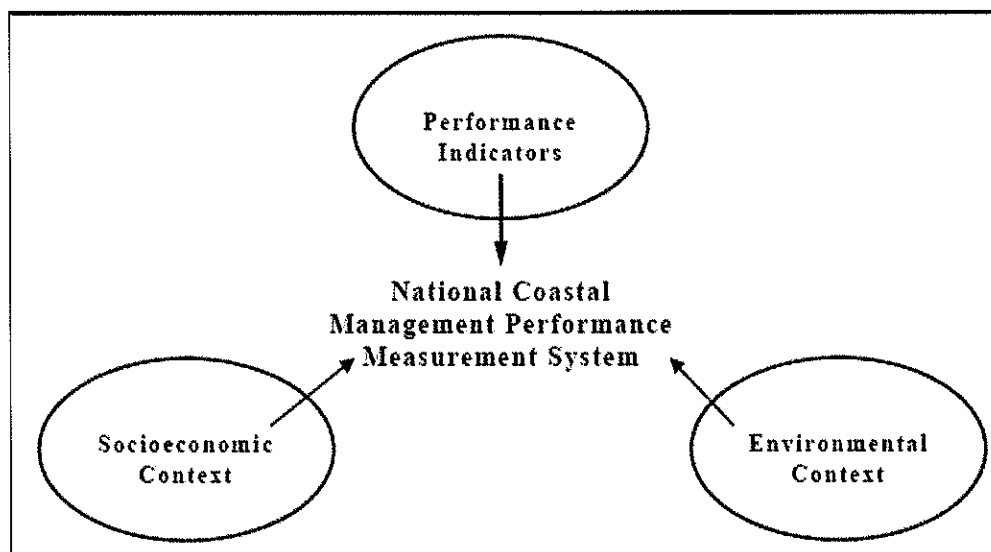
Performance measures include three components: indicators of performance, units of measure, and baseline information. An *indicator* is a parameter providing a simplified view of a more complex phenomenon, or provides insight about a trend or event that cannot be directly observed. Indicators, when incorporated into a performance measurement system, can be used both to quantify change and also to simplify complex information. The system is tailored to be relevant to individual coastal management programs and to be suitable for aggregating into regionally and nationally relevant information.

The system measures the on-the-ground results of coastal management through a combination of *performance indicators* and contextual information, referred to as *contextual indicators*. Performance indicators include various measures of program inputs, process, outputs, and *outcomes*, e.g., changes in the state of coastal resources over time or public satisfaction with public access conditions.

The system also incorporates *contextual indicators* that provide a more comprehensive picture of the environmental and socioeconomic circumstances that may greatly influence actions of the CZMA programs. Water quality, population, and development trends serve as examples of contextual indicators. Some contextual indicators also provide baseline references against which progress on other indicators can be measured. The environmental and socioeconomic contextual indicators in combination with performance indicators make up the NCMPPMS (Fig. 1).

¹ Much of this text is from NOAA's *Report to Congress on National Coastal Management Performance Measurement System*, 2005, Silver Spring, MD.

Figure 1: The National Coastal Management Performance Measurement System Framework



Phase 1 of the NCMPMS is further broken down into Phase 1a covering Fiscal Year 2004-2005, and Phase 1b covering Fiscal Year 2005-2006. The Hawaii CZM Program has completed its report under Phase 1a, Exhibit F herein.

The Hawaii CZM Program is a networked program, and much of the data to be collected under this project must be obtained from the network agencies. Thus, this project is a collaborative effort amongst the Hawaii CZM Program and its network agencies. In addition, other important agencies holding data desired by the NCMPMS system may need to be included in the process. The success of the project depends in large part on the cooperation of all parties, the timeliness of work performed, and the ability to streamline and simplify what is a complex and many-faceted system. It is a thirty-one (31) month project, with funding available from May 1, 2006 to October 1, 2008.

B. SIGNIFICANT DATES

- | | |
|--|----------------|
| • Advertising of Request for Proposals (RFP) | April 5, 2006 |
| • Issuance of RFP | April 5, 2006 |
| • Deadline for Offerors' Written Questions | April 19, 2006 |
| • Response to Offerors' Questions & Addenda Deadline | April 21, 2006 |
| • Sealed Proposals Due | May 5, 2006 |

C. OFFICIAL CONTACT PERSON

The official contact person for all communication regarding the RFP is:

Eileen Harada
Department of Business, Economic Development, and Tourism
Administrative Services Office / Contracts
No. 1 Capitol District
250 South Hotel Street, 5th Floor, Room 510-D
Honolulu, Hawaii 96813
Telephone: (808) 586-9312
Email: bids@dbedt.hawaii.gov

Official responses to questions shall be made through written addenda issued to all prospective offerors. Offerors' attention is directed to the deadlines for questions and addenda stated above.

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
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NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

STATEMENT OF WORK

STATEMENT OF WORK
NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

A. INTRODUCTION

This “Statement of Work” provides a description of work and work products desired.

B. OBJECTIVES

The NCMPS Project is envisioned as a thirty-one (31)-month project (covering three reporting periods between July 1, 2005 through June 30, 2008) to report to NOAA/OCRM on the effectiveness of the Hawaii CZM program in achieving CZMA objectives. The Project was initiated in March 2005 and an initial report was filed with NOAA/OCRM in January 2006.

The Project’s goal is the timely submittal of complete, high quality reports that are required by NOAA/OCRM for Phases 1b, 2, & 3 under the NCMPS.

The Project has the following overall objectives:

1. To educate the Hawaii CZM network agencies and other potential data sources in a broad understanding of the NCMPS, their roles and responsibilities in the project, and how they can utilize the data collected to enhance their agency and its operations;
2. To meet the federal reporting requirements set forth herein and to ensure consistency in how the Hawaii CZM network agencies and other data sources interpret, collect, and manage data under the NCMPS;
3. To provide technical assistance and resource materials that the Hawaii CZM network agencies and other data sources can draw upon in their individual efforts to provide accurate data to the NCMPS;
4. To assist the Hawaii CZM Program in building a collaborative relationship with the CZM network agencies and other data sources by addressing their individual requests for technical assistance in a professional and timely manner;
5. To establish a data management system for data collected under the NCMPS; and
6. To train staff of the Hawaii CZM Program in all aspects of the data collection, management, and reporting system to carry on the reporting in Fiscal Year 2008-2009 and subsequent years.

The Project is presently envisioned to have three major phases, as mandated by NOAA/OCRM. The dates, phases, and indicators are subject to change at NOAA/OCRM’s discretion.

C. PRINCIPAL CONSULTANT QUALIFICATIONS AND ROLE

OP is seeking a principal consultant with experience in evaluating the performance of agencies or programs in carrying out their objectives, working with specific indicators of performance that are mandated by an outside source. The principal consultant should have: (1) expertise in the development and refinement of performance indicators and measures; (2) expertise in implementation of performance indicators and measures, including data collection and management systems, data analysis, and comprehensive analysis based on data; (3) expertise in coastal zone management issues, at the federal, state, and county levels; (4) knowledge of the structure and requirements of agencies of the State of Hawaii and their relationships with county governments.

The principal consultant should be able to provide expert advice in modifying program procedures and organization to streamline and simplify data that will be collected to measure program performance, and in producing technical reports and systems to collect, store, analyze, and report on data.

The consultant must be able to collaborate closely with the State Coordinator for the NCMPMS and members of the NCMPMS Project team in carrying out all aspects of the project. The principal consultant must also have a good track record in interacting with a variety of public officials and stakeholders who may hold divergent views on how the NCMPMS should be carried out.

The principal consultant should be familiar with the following and its implications on the project: Chapter 205A, Hawaii Revised Statutes; *Report on Phase 1a of the Hawaii CZM Performance Measurement System* (January 2006), Exhibit F herein; NOAA/OCRM guidance on the NCMPMS, with special attention to the glossaries for Public Access, Government Coordination and Decision Making, Coastal Habitats, Coastal Water Quality, Coastal Hazards, and Coastal Dependent Uses and Community Development, posted at: <http://www.ocrm.nos.noaa.gov/cpd/>; and *Report to Congress on National Coastal Management Performance Measurement System*, posted at: http://coastalmanagement.noaa.gov/pdf/ncmpms_congress.pdf.

D. SCOPE OF SERVICES

The principal consultant will be responsible for services related to implementation of Phases 1b, 2, & 3 of the NCMPMS, as presently required by NOAA/OCRM, and as may be modified by NOAA/OCRM and the Hawaii CZM Program during the term of the Contract. The following scope of services includes only the basic, minimum services required under this solicitation. The proposal submitted should provide details on how the tasks will be accomplished and what approach will be taken. The proposal will be judged in accordance with the Evaluation Criteria included in this solicitation.

Principal Consultant Scope of Services. The scope of services shall include, at a minimum, the following activities and tasks:

1. Prepare a workplan and schedule in collaboration with the Hawaii CZM Program that specifies the methodology, process, and breakdown of costs for completing all aspects of the project, including work on Phases 1b, 2, & 3 and the establishment of a data system, within the timeframes prescribed by NOAA/OCRM, this solicitation, and the Hawaii CZM Program.
2. Provide all services necessary to fully implement the approved workplan and schedule, including but not limited to:
 - a. Design, schedule, and conduct meetings with state and county network agencies and other appropriate data sources as directed by the Hawaii CZM Program, including:
 - (1) Meeting scope, content, processes, and materials;
 - (2) Appropriate facility and support needs;
 - (3) Providing a master set of all workshop-related materials for duplication for use in the meetings; and
 - (4) Meeting the objectives of assisting the agencies in becoming familiar with the NCMPMS and its application in Hawaii.
 - b. Handle all communications with agencies, including but not limited to, answering all questions related to their collection of data under the NCMPMS and training them in utilizing the materials and data system developed as part of this project.
 - c. Develop and implement a system to efficiently collect and store the data, document metadata, and retrieve the data. This system should (1) integrate the NCMPMS into the operations of the Hawaii CZM Program, (2) simplify and streamline reporting to NOAA/OCRM under the NCMPMS, (3) facilitate reporting of related reports, such as the federally required semi-annual performance reports to NOAA/OCRM, and (4) facilitate retrieval of data by the Hawaii CZM Program and network agencies. The system should be designed to be as automated as possible to minimize the human-hours necessary to collect data over the long term, as data will need to be collected on an annual basis.
3. Prepare all reports to NOAA/OCRM relating to Phase 1b, 2, & 3, as directed by the Hawaii CZM Program.

E. TIME SCHEDULE

1. All services shall be completed within thirty-one (31) months or sooner of the effective date of the Contract, with the following conditions.

- a) All activities and products required for Phase 1b shall be completed by July 15, 2006;
 - b) All activities and products required for Phase 2 shall be completed by July 15, 2007;
 - c) All activities and products required for Phase 3 shall be completed by July 15, 2008; and
 - d) All other activities and products required shall be completed as determined in the Contract.
2. Unless sooner terminated as herein provided by the specifications and general conditions, the term of Contract may be extended for a total period of time not to exceed six (6) months. However, the initial extension shall not exceed three (3) months with one additional extension allowable that shall not exceed three (3) months. The Contractor shall submit any extension request in writing for State approval a minimum of one (1) month prior to the termination of the Contract. Said request shall provide detailed reasons for the delay in and steps to be taken to ensure the timely completion of the project. If the State approves the extension request, a supplemental agreement shall be executed by both parties in accordance with the DBEDT "General Terms and Conditions," April 15, 1996. The Contractor shall not be entitled to any additional compensation to complete the work described in the Contract.

F. COMPENSATION

- 1. Award will be made on a firm fixed fee, including all taxes. The award amount shall not exceed \$180,000.
- 2. The proposal shall be priced and shall include a budget in accordance with the RFP section entitled "Proposal Requirements." Only proposals requiring funding at or below \$180,000 will be considered. Inasmuch as the State of Hawaii imposes a four percent general excise tax on gross income, this levy should be taken into account when calculating costs.
- 3. Payments shall be made in predetermined installments contingent on the State's approval of specified deliverables or progress reports.
- 4. The Contractor shall be required to obtain a current tax clearance from the State of Hawaii Department of Taxation and the Internal Revenue Service prior to entering into a contract with the State, and again to receive final payment.

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
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NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EVALUATION CRITERIA

EVALUATION CRITERIA
NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

A. MINIMUM CRITERIA FOR PROPOSAL RESPONSIVENESS

1. Unfavorable references may be justification for rejection of a proposal.
2. The State reserves the right to use whatever resources are available to the State to seek additional references in addition to those submitted in the proposal.
3. Submitting incomplete proposal documents or failure to sign the proposal documents may be justification for rejection of a proposal.
4. Failure to respond or comply with the specifications provided in the Solicitation or the requirements provided by statutes or law may be justification for rejection of a proposal.

B. PROPOSAL EVALUATION CRITERIA

An evaluation committee shall be appointed by the STATE. The committee shall evaluate responsive proposals in accordance with the section entitled "Proposal Requirements" and based on the following general criteria:

Criteria	<u>Total Possible Points</u>
1. Qualifications/Experience:	
a. Familiarity and experience with the development and implementation of performance measurement systems;	30
b. Familiarity and experience with coastal zone management;	30
c. Experience in coordinating with and working collaboratively with state and county agencies and other organizations; and	30
d. Ability to think and write in a clear and concise manner	20

2. Proposal:
 - a. Efficiency of work plan timeline to meet federal reporting deadlines and reasonableness of proposed time schedule. (All federal reporting deadlines must be met on a timely basis. All services must be completed within 32 months of the effective date of the contract); 15
 - b. Approach demonstrates understanding of and responsiveness to the concerns of the network agencies; 15
 - c. Approach demonstrates understanding of federal requirements for this project; 15
 - d. Creativity and flexibility of the approach and proposed workplan to complete tasks under Statement of Work; and 15
 - d. Quality of the proposal provides confidence in the quality of expected work products and meetings. 15
3. Price:
 - a. Reasonableness of proposed budget. 15

TOTAL POSSIBLE: 200 POINTS

STATE OF HAWAII
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NATIONAL COASTAL MANAGEMENT
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SOLICITATION No. RFP-06-20-OP

SPECIAL PROVISIONS

SPECIAL PROVISIONS
NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

A. OFFICIAL CONTACT PERSON

For the purpose of this solicitation, the official contact person for this solicitation is Eileen Harada, (808) 586-9312.

B. AUTHORITY

This RFP is issued under the provisions of Chapter 103D, HRS, and Subchapter 3-122, HAR. All Offerors are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed bid by any Offeror shall constitute admission of such knowledge on the part of such Offeror.

C. PROPOSALS MUST BE PRICED

D. BONDS: Bid, performance, and payment bonds are not required for this solicitation.

E. GENERAL TERMS AND CONDITIONS (GTC), ADDITIONS, AMENDMENTS, AND CLARIFICATIONS TO THE GTC

1. Copies of the GTC, dated April 15, 1996, included by reference, are available at the DBEDT, Administrative Services Office/Contracts Office, and on the Internet at <http://www.hawaii.gov/dbedt/info/bidfiles>, "Goods and Services."
2. Sections 2.9 and 2.12 of the GTC that apply specifically to the invitation to bid method of selection are not applicable to this solicitation.
3. Additions to the GTC:

Approvals. Any agreement arising out of this offer may be subject to the approval of the Department of the Attorney General as to form, and is subject to all further approvals, including the approval of the Governor, required by statute, regulations, rule, order, or other directive.

Cancellation of Solicitations and Rejection of Offers. The solicitation may be cancelled or the offers may be rejected, in whole or in part, when in the best interest of the purchasing agency, as provided in Sections 3-122-95 through 3-122-97, HAR.

Confidentiality of Material. All materials given to or made available to the Contractor by virtue of this contract, which is identified as proprietary, will be safeguarded by the Contractor and shall not be disclosed to any individual or

organization without the prior written approval of the State.

All information, data, or other material provided by the Offeror or the Contractor to the State shall be subject to the Uniform Information Practices Act, Chapter 92F, HRS. The Offeror shall designate in writing to the Procurement Officer those portions of its unpriced offer or any subsequent submittal that are trade secrets or other proprietary data that the Offeror desires to remain confidential, subject to Section 3-122-58, HAR, in the case of an RFP, or Section 3-122-30, HAR, in the case of an IFB. The Offeror shall submit the material designated as confidential in such manner that the material is readily separable from the offer in order to facilitate inspection of the non-confidential portion of the offer.

Price is not confidential and will not be withheld. In addition, in the case of an IFB, makes and models, catalogue numbers of items offered, deliverables, and terms of payment shall be publicly available at the time of opening regardless of any designation to the contrary.

If a request is made to inspect the confidential or proprietary material, the inspection shall be subject to written determination by the Office of the Attorney General in accordance with Chapter 92F, HRS. If it is determined that the material designated as confidential is subject to disclosure, the material shall be open to public inspection, unless the Offeror protests under Chapter 3-1126, HAR. If the request to inspect the confidential or proprietary material is denied, the decision may be appealed to the Office of Information Practices in accordance with Section 92F-15.5, HRS.

Nondiscrimination. No person performing work under this Contract, including any subcontractor, employee, or agency of the Contractor, shall engage in any discrimination that is prohibited by any applicable federal, state or county law.

Records Retention. The Contractor and any subcontractors shall maintain the books and records that relate to the Contract and any cost or pricing data for three (3) years.

4. Amendments to the GTC:

Subsection 2.1, Competency of Offeror. Paragraph one is rescinded and replaced with the following:

“Prospective Offeror must be capable of performing the work for which offers are being called. Either before or after the deadline for an offer, the purchasing agency may require Offeror to submit answers to questions regarding facilities, equipment, experience, personnel, financial status or any other factors relating to the ability of the Offeror to furnish satisfactorily the goods or services being solicited by the State. Any such inquiries shall be made and replied to in writing; replies shall be submitted over the signatures of the person who signs the offer. Any Offeror who refuses to

answer such inquiries will be considered non-responsive.”

Subsection 2.5, Preparation of Offer. Paragraph four is rescinded and replaced with the following:

“An Offeror may submit only one offer in response to a solicitation. If an Offeror submits more than one offer in response to a solicitation, then all such offers shall be rejected. Similarly, an Offeror may submit only one offer for each line item (if any) of a solicitation. If an Offeror submits more than one offer per line item, then all offers for that line item shall be rejected.”

5. Clarifications to the GTC:

Subsection 2.7, Certification of Offeror concerning Wages, Hours and Working Conditions of Employees Supplying Services. Section 103-55, HRS, amended by Act 149, SLH 1999, now applies to service contracts in excess of \$25,000, and also excludes professional personnel.

F. SPECIAL CONDITIONS

1. All work and products developed shall comply with all applicable State, county, and federal rules, codes, and guidelines.
2. The Contractor must assure and be responsible for the continuity of service activities in the event of staff illness, medical emergencies, vacancies, or other situations that result in program resources that are less than proposed and contracted for. The Contractor must not require nor depend on the State’s staff to provide service activities in the event that program resources are not available due to the above situations.
3. When a disagreement arises between the Contractor and the State in regards to the performance of specific service requirements within contract specifications, the wishes of the State shall prevail. Failure on the part of the Contractor to comply shall be deemed cause for corrective action and subject Contractor to contractual remedies.
4. DBEDT reserves the right to reduce, amend, or expand the “Scope of Services.”

G. REQUIRED REVIEW

Prospective Offerors shall carefully review this solicitation for defects and questionable or objectionable matter. Comments concerning defects and questionable or objectionable matter shall be made in writing and received prior to the Deadline for Offerors’ Written Questions date. This shall allow issuance of any necessary amendments to the RFP.

H. CANCELLATION OF RFP AND PROPOSAL REJECTION

The State reserves the right to cancel this RFP and to reject any and all proposals in whole or in part when it is determined to be in the best interest of the State, as provided in Sections 3-122-95 through 3-122-97, HAR.

I. PROPOSAL OPENING

Proposals shall not be opened publicly, but shall be opened in the presence of two or more procurement officials. The register of proposals and Offerors' proposals shall be open to public inspection upon posting of the award. All proposals and other material submitted by Offerors become the property of the State and may be returned only at the State's option.

J. EVALUATION OF PROPOSALS

The Procurement Officer, or an evaluation committee of at least three (3) State employees selected by the STATE, shall evaluate the proposals. The evaluation will be based solely on the evaluation criteria set out in this RFP.

Discussions may be conducted with firms or individuals determined to be priority-listed Offerors pursuant to Section 3-122-53, HAR. Priority-listed Offerors are those responsible Offerors with the highest-ranked proposals of those proposals that were ranked as acceptable or potentially acceptable. However, proposals may be accepted without such discussions.

If during discussions there is a need for any substantial clarification or change in the RFP, the RFP shall be amended by an addendum to incorporate such clarification or change. Addenda to the RFP shall be distributed only to priority-listed Offerors. These Offerors shall be permitted to submit new proposals or to amend those submitted.

The date and time for Offerors to submit their best and final offers, as necessary, will be determined and made known. If Offeror does not submit a notice of withdrawal or another best and final offer, the Offeror's immediate previous offer will be considered as their best and final offer.

The State's acceptance of an offer, if any, will be made within ninety (90) calendar days after opening of proposals. Unless extended by mutual agreement, the Offeror's proposal shall remain firm for the ninety (90) day period.

K. METHOD OF AWARD AND CONTRACTOR REQUIREMENTS

The successful Offeror shall be awarded an "Agreement for Goods or Services Based upon Competitive Sealed Proposals" contract.

Upon award of the contract, the successful Offeror shall furnish the STATE proof of compliance with the following requirements of Section 103D-310(c), HRS:

1. **HRS Chapter 237 tax clearance requirement for award and final payment.**
Instructions are as follows:

The Awardee(s) shall be required to obtain a current tax clearance from the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) prior to entering into a contract with the State, and again to receive final payment.

It is recommended that the "Tax Clearance Application," Form A-6, attached, be mailed to a DOTAX district office as soon as possible, as the process may take twenty-one (21) calendar days before you receive a tax clearance. We also recommend that extra certified copies be requested, if responding to several competitive solicitations. Extra certified copies may be requested by writing or typing the number of copies next to the check box 3.c. on the application form. Offerors who repeatedly submit bids or bids for State or county contracts should file frequently for a tax clearance.

Pursuant to §103D-328, HRS, the successful Offeror shall be required to submit a tax clearance certificate issued by DOTAX and the IRS. The certificate is valid for six (6) months from the most recent approval stamp date on the certificate and must be valid on the date it is received by the purchasing agency.

The tax clearance certificate shall be obtained on DOTAX "Tax Clearance Application" Form A-6 (Rev. 2003), which is available at the DOTAX and IRS offices in the State of Hawaii or the DOTAX website, and by mail or fax:

DOTAX Website, Forms & Information: <http://www.state.hi.us/tax/alphalist.html#a>
DOTAX Forms by Fax/Mail: (808) 587-7572
1 (800) 222-7572

Completed tax clearance applications may be mailed, faxed, or submitted in person to the DOTAX, Taxpayer Services Branch, to the address listed on the application. Facsimile numbers are:

DOTAX: (808) 587-1488
IRS: (808) 539-1573

The application for the clearance is the responsibility of the Offeror, and must be submitted directly to the DOTAX or IRS and not to the purchasing agency.

2. **HRS Chapters 383 (Unemployment Insurance), 386 (Workers' Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements for award.** Instructions are as follows:

Pursuant to Section 103D-310(c), HRS, the successful Offeror shall be required to submit an approved certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for six (6) months from the date of issue and must be valid on the date it is received by the purchasing agency.

The certificate of compliance shall be obtained on the State of Hawaii, "DLIR Application for Certificate of Compliance with Section 3-122-112, HAR," Form LIR#27, which is available at www.dlir.state.hi.us/LIR#27, or at the Neighbor Island DLIR District Offices. The DLIR will return the form to the Offeror who in turn shall submit it to the purchasing agency.

The application for the certificate is the responsibility of the Offeror, and must be submitted directly to the DLIR and not to the purchasing agency.

Compliance with Sections 103D-310(c)(1) and (2), HRS. Pursuant to Section 3-122-112, HAR, the Offeror shall be required to submit a "Certificate of Good Standing" (Certificate), issued by the Hawaii State Department of Commerce and Consumer Affairs (DCCA), Business Registration Division (BREG). The Certificate is valid for six (6) months from date of issue and must be valid on the date it is received by the purchasing agency. A photocopy of the Certificate is acceptable to the purchasing agency.

Hawaii business. A business entity referred to as a "Hawaii business", is registered and incorporated or organized under the laws of the State of Hawaii.

Compliant non-Hawaii business. A business entity referred to as a "compliant non-Hawaii business," is not incorporated or organized under the laws of the State of Hawaii, but is registered to do business in the State.

To obtain the Certificate, the Offeror must first be registered with BREG. A sole proprietorship, however, is not required to register with the BREG, and therefore not required to submit the certificate.

Online business registration and the Certificate are available at www.BusinessRegistrations.com. To register or to obtain a "Certificate of Good Standing" by phone, call (808) 586-2727 (Monday-Friday, 7:45 a.m. to 4:30 p.m., HST). Offerors are advised that there are costs associated with registering and obtaining a "Certificate of Good Standing" from the DCCA.

3. **Timely Submission of all Certificates.** The above certificates should be applied for and valid certificates submitted to the purchasing agency as soon as possible. If a valid certificate is not submitted on a timely basis for award of a contract, an offer otherwise responsive and responsible may not receive the award.
4. **Final Payment Requirements.** The Contractor is required to submit a tax clearance certificate for final payment on the contract. A tax clearance certificate, not over two months old, with an original, green certified copy stamp must accompany the invoice for final payment on the contract.

In addition to a tax clearance certificate, an original "Certification of Compliance for Final Payment" (SPO Form-22), Exhibit E, will be required for final payment. A copy of the Form is also available at www.spo.hawaii.gov. Select "Forms for Vendors/Contractors" from the Procurement of Goods, Services and Construction, Chapter 103D, HRS, pop-up menu.

L. PROPOSAL AS PART OF THE CONTRACT

Part or all of this RFP and the successful proposal may be incorporated into the contract.

**M. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)
SPECIAL CONDITIONS**

NOAA Special Conditions shall apply to any award given pursuant to this solicitation. Said conditions are attached hereto and incorporated herein as "Exhibit G."

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

PROPOSAL REQUIREMENTS

PROPOSAL REQUIREMENTS FOR OFFERORS
NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

A. SUBMISSION REQUIREMENTS — Failure to comply with any of these requirements may be grounds for rejection of the proposal.

1. 1. Offeror is requested to submit its Offeror's exact legal name as registered with the Department of Commerce and Consumer Affairs (DCCA), if applicable, and to indicate its exact legal name in the appropriate space on Offer Form OF-1, Exhibit A. Failure to do so may delay proper execution of the contract.

The authorized signature on the first page of the Offer Form shall be an original signature in ink. If unsigned or the affixed signature is a facsimile or a photocopy, the offer shall automatically be rejected unless accompanied by other material, containing an original signature, indicating the Offeror's intent to be bound.

Hawaii business. A business entity referred to as "Hawaii business" is registered and incorporated or organized under the laws of the State of Hawaii.

Compliant non-Hawaii business. A business entity referred to as a "compliant non-Hawaii business" is not incorporated or organized under the laws of the State of Hawaii but is registered to do business in the State.

2. The Original plus five (5) copies (total – six (6) copies) of the proposal shall be submitted in a sealed envelope to:
DBEDT, State of Hawaii
Administrative Services Office/Contracts
No. 1 Capitol District
250 So. Hotel St., 5th Floor, Room 510-D
Honolulu, HI 96813
3. The original proposal shall be clearly marked "ORIGINAL" on the upper right hand corner of the cover page and have original signature, and copies shall be clearly marked "COPY." If possible, blue ink is preferred. It is imperative that the Offerors submit only one original and the required number of copies. **DO NOT SUBMIT MORE THAN ONE ORIGINAL.** The State will not provide any reimbursement for the cost of developing, submitting, or evaluating any proposals in response to the RFP.

Offerors are encouraged to submit typewritten offers. If handwritten, it should be clearly printed. Offeror is cautioned that illegible offers of any item(s) may be automatically rejected to avoid any errors in interpretation by the reviewers during

the evaluation process.

Costs for developing the proposal are solely the responsibility of the Offeror, whether or not any award results from this solicitation. The State of Hawaii will not reimburse such costs.

4. "Solicitation No. **RFP-06-20-OP**" shall be referenced on the outside of the sealed proposals. **Facsimiles shall not be accepted.**
5. **The Administrative Services Office/Contracts must receive sealed proposals no later than the date indicated in "Significant Dates" in the RFP "Statement of Work." Proposals shall be time-stamped with the Administrative Services Office/Contracts time clock upon receipt. Late proposals shall not be accepted. The Administrative Services Office/Contracts time clock shall serve as the official time.**
6. Offerors are cautioned to make prior arrangements to ensure delivery before 11:00 a.m. on the proposal due date. Offers received after the deadline shall be returned unopened.
7. Offerors are to complete and submit the documents contained in the RFP "Proposal" and a project proposal as described in Section C.

B. OFFEROR'S COVENANTS AND QUALIFICATIONS

1. Proposals shall include completed proposal pages contained in the RFP section, "Proposal." Remove, complete, and submit the required number of copies for each document in the "Proposal" section.
2. The document entitled "Proposal" must be signed by an authorized representative, and the corporate resolution or evidence of authorization to bind must be attached.
3. **PLEASE NOTE: The name of the organization filing the proposal must match the name which is either legally registered with the DCCA for Hawaii corporations, partnerships, or trade names, or the DOTAX for sole proprietors who do not have registered trade names with the DCCA. An out-of-state organization must be legally registered with its appropriate state. Should the proposal include more than one entity or should the Offeror anticipate work to be performed through subcontracts, please list all entities or subcontractors and their respective roles in the project.**

C. PROJECT PROPOSAL

The project proposal shall include a narrative and schedules as follows:

1. Scope of Services

- a) The proposal shall include a general description of the approach and methodology that will be used for the project: outlining the Offeror's approach to measuring performance through the prescribed federal indicator system, how the project would be organized, how concerns of a networked agency will be identified and incorporated, and how the performance measurement system would be tailored to the needs of various network agencies and other identified information sources. The proposal shall reflect that the Offeror has reviewed and understood the NOAA/OCRM guidance on the NCMPPMS, with special attention to the glossaries for Public Access, Government Coordination and Decision Making, Coastal Habitats, Coastal Water Quality, Coastal Hazards, and Coastal Dependent Uses and Community Development, posted at: <http://www.ocrm.nos.noaa.gov/cpd/>
- b) The proposal shall include a brief description and history of the Offeror, specifying organizational and managerial capabilities and relevant expertise in services outlined in the RFP "Statement of Work", Section D, "Scope of Services."

2. Workplan and Time Schedule

- a) The proposal shall include a detailed workplan to carry out the tasks described in the RFP "Statement of Work," Section D, "Scope of Services." In preparing the proposal, to the extent possible, the Offeror should separately state the cost, resources, and duration of each task in the workplan.
- b) The proposal shall include a time schedule for completion of major tasks, including the duration of each task, milestones, and a schedule of periodic progress reports with dates for submission. The workplan and time schedule must meet the specifications in RFP "Statement of Work," Section E, "Time Schedule."

3. Budget

- a) The proposal shall be priced and include a budget for all tasks and services proposed. **Inasmuch as the State of Hawaii imposes a four percent general excise tax on gross income, this levy should be taken into account when calculating costs.** The Proposal shall recommend a progress payment schedule based on deliverables for all tasks as they are completed. Offerors are encouraged to demonstrate flexibility and ingenuity in proposing ways to

accomplish the tasks specified in “Scope of Services,” as well as any others the Offeror believes would enhance the project with the funds available.

4. Examples of Work In-Progress or Recently Completed

- a) The Offeror should provide evidence of at least four (4) recent performance indicator system projects conducted for public agencies and other clients. The documentation should include a brief but concise narrative describing the project, products delivered, and explaining how each of the projects enhance the Offeror’s ability to carry out this project.

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

PROPOSAL

**NOTE: OFFERORS ARE TO COMPLETE AND SUBMIT THESE DOCUMENTS
WITH THEIR PROJECT PROPOSALS.**

PROPOSAL

NATIONAL COASTAL MANAGEMENT PERFORMANCE MEASUREMENT SYSTEM PROJECT PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

Department of Business, Economic Development, and Tourism
Administrative Services Office/Contracts
No. 1 Capitol District
250 South Hotel Street, 5th Floor, Room 510D
Honolulu, Hawaii 96813

The undersigned has carefully read and understands the terms, conditions, and requirements specified in the Specifications, Special Provisions, and General Provisions attached hereto and incorporated herein by reference, and hereby submits the following proposal to perform the work specified herein, all in accordance with the true intent and meaning thereof:

The undersigned further understands and agrees to the following:

- That by submitting this proposal, the undersigned is declaring that this proposal is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts;
- That by submitting this proposal, the undersigned is declaring that this proposal is being made without collusion with any other person, firm, or corporation;
- That the Director of the Department of Business, Economic Development, and Tourism reserves the right to cancel the Request for Proposal at any time, and all proposals may be rejected in whole or in part when it is in the best interest of the State;
- That discussions may be conducted with Offerors who submit proposals determined to be acceptable for selection for award, but a proposal may be accepted without such discussions;
- That the undersigned may be required to submit best and final offers based on discussion;
- That award, if any, will be made on a fixed fee basis to the responsive and responsible Offeror who has submitted the most advantageous offer in accordance with the evaluation criteria set forth in the Request for Proposal;
- That by submitting this proposal, the undersigned is declaring that if awarded a contract, the undersigned will comply with all wages, hours, and working conditions in accordance with Section 103-55, Hawaii Revised Statutes; and
- That if awarded a contract, the undersigned hereby commits to a minimum of two consultation sessions with the State.

The undersigned acknowledges receipt of any addendum issued by the Department of Business, Economic Development, and Tourism by recording in the space below the date of receipt:

Addendum No. 1 _____ Addendum No. 3 _____

Addendum No. 3 _____ Addendum No. 4 _____

The undersigned hereby certifies that the proposal hereby attached has been carefully checked and is submitted as correct.

Respectfully submitted,

Exact Legal Name of Offeror (company name)

Authorized signature (attach corporate resolution or evidence of authorization to bind)

Title

Date

Street Address

City, State, Zip Code

Telephone No.

Mailing Address (if different from street address)

State of Hawaii General Excise Tax (GET) License Number: _____

Federal Taxpayer Identification Number: _____

Type of Organization: _____ Individual _____ Partnership _____ Corporation _____ Joint Venture

If Offeror is a "dba" or a division of a corporation, furnish the exact legal name of the entity under which the contract, if awarded, will be executed:

State of Incorporation: Hawaii _____ Other: _____

QUALIFICATION QUESTIONNAIRE

SOLICITATION No. RFP-06-20-OP

1. How many years has your organization been in business under your present business name?
2. How many years experience in this field of work has your organization had?
3. Please list all projects that your organization has completed in the past two years that are similar or related to this project (attach additional sheet/s if needed):

Name and Address of Project Owner	Description	Contract Amount	Completion Date
--------------------------------------	-------------	--------------------	--------------------

4. Have you ever failed to complete any work awarded to you? _____
If so, please provide a brief description of the project, including when and where it took place, and why work was not completed: _____

5. Has any officer or partner of your organization in the past five (5) years been an officer, partner, or individual of another organization that failed to complete a contract? _____

If so, please provide the name of this individual, other organization, and reason for not completing contract: _____

6. For what entities within the State of Hawaii other than government agencies have you performed work and to whom do you refer?

Agency/Company	Project Description	Contact Person	Phone
----------------	---------------------	----------------	-------

7. For what State departments and County agencies of the State of Hawaii have you performed work and to whom do you refer?

Department	Project Description	Contact Person	Phone
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8. Have you performed work for the U.S. Government? _____

If so, please provide information regarding agencies you refer:

Agency	Project Description	Contact Person	Phone
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9. Have you ever performed any work for any other governmental agencies or entities outside the State of Hawaii? _____

If so, please provide information regarding agencies you refer:

Agency	Project Description	Contact Person	Phone
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10. List a minimum of three references for work performed similar to this project:

Company/Agency	Project Description	Contact Person	Phone
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11. What is the professional or project experience of the principal individuals being assigned to this project?

Individual's Name	Position or Title	Years Experience	Type of Work
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CORPORATE RESOLUTION

Attach here a corporate resolution or written authorization of Offeror's representative to sign this proposal.

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT A – OFFER FORM OF-1

EXHIBIT A

Department of Business, Economic Development, and Tourism
Administrative Services Office / Contracts
No. 1 Capitol District
250 So. Hotel Street, 5th Floor, Room 510D
Honolulu, Hawaii 96813

Dear Ms. Eileen Harada:

The undersigned has carefully read and understands the terms and conditions specified in the Specifications and Special Provisions attached hereto, and in the General Conditions, Form 4/15/96, by reference made a part hereof and available upon request; and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this offer, 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts, and 2) he/she is certifying that the price(s) submitted was (were) independently arrived at without collusion.

The undersigned represents that it is: **(Check ☒ one only)**

- ☐ A **Hawaii business** incorporated or organized under the laws of the State of Hawaii; **OR**
☐ A **Compliant Non-Hawaii business** not incorporated or organized under the laws of the State of Hawaii, is or shall be registered at the State of Hawaii, Department of Commerce and Consumer Affairs Business Registration Division (DCCA-BREG) to do business in the State of Hawaii.

State of incorporation: _____

Offeror is:

☐ Sole Proprietor ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Other _____

Federal I.D. No.: _____

Hawaii General Excise Tax License I.D. No.: _____

Payment address (other than street address below): _____

City, State, Zip Code: _____

Business address (street address): _____

City, State, Zip Code: _____

Respectfully submitted:

(x) _____
Authorized (Original) Signature

Date: _____

Telephone No.: _____

Name and Title (Please Type or Print)

Fax No.: _____

* _____
Exact Legal Name of Company (Offeror)

E-mail Address: _____

*If Offeror is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed:

OFFER FORM

OF-1

Revised 12/27/04

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT B – TAX CLEARANCE

STATE OF HAWAII — DEPARTMENT OF TAXATION
TAX CLEARANCE APPLICATION
PLEASE TYPE OR PRINT CLEARLY

1. APPLICANT INFORMATION:

(PLEASE PRINT CLEARLY)

Applicant's Name _____

Address _____

City/State/Zip Code _____

DBA/Trade Name _____

2. TAX IDENTIFICATION NUMBER(S): (Complete applicable ID numbers)

FEDERAL EMPLOYER ID # _____

(FEIN)

SOCIAL SECURITY #(SSN) _____

3. APPLICANT IS A/AN: (CHECK ONLY ONE BOX)

- | | | |
|---|--|--|
| <input type="checkbox"/> CORPORATION | <input type="checkbox"/> S CORPORATION | <input type="checkbox"/> TAX EXEMPT ORGANIZATION |
| <input type="checkbox"/> INDIVIDUAL | <input type="checkbox"/> PARTNERSHIP | <input type="checkbox"/> ESTATE <input type="checkbox"/> TRUST |
| <input type="checkbox"/> LIMITED LIABILITY COMPANY | <input type="checkbox"/> LIMITED LIABILITY PARTNERSHIP | |
| <input type="checkbox"/> Single Member LLC disregarded as separate from owner; enter owner's FEIN/SSN _____ | | |

4. THE TAX CLEARANCE IS REQUIRED FOR:

- | | |
|---|---|
| <input type="checkbox"/> CITY, COUNTY, OR STATE GOVERNMENT CONTRACT IN HAWAII * | <input type="checkbox"/> LIQUOR LICENSE * |
| <input type="checkbox"/> REAL ESTATE LICENSE | <input type="checkbox"/> CONTRACTOR LICENSE |
| <input type="checkbox"/> FINANCIAL CLOSING | <input type="checkbox"/> PROGRESS PAYMENT |
| <input type="checkbox"/> HAWAII STATE RESIDENCY | <input type="checkbox"/> FEDERAL CONTRACT |
| <input type="checkbox"/> SUBCONTRACT | <input type="checkbox"/> OTHER _____ |
| | <input type="checkbox"/> BULK SALES |
| | <input type="checkbox"/> PERSONAL |
| | <input type="checkbox"/> LOAN |

* IRS APPROVAL STAMP IS ONLY FOR PURPOSES INDICATED BY ASTERISK.

5. NO. OF CERTIFIED COPIES REQUESTED:

☐

6. SIGNATURE:

PRINT NAME

PRINT TITLE: Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, Executor

SIGNATURE

DATE

() -

TELEPHONE

() -

FAX

POWER OF ATTORNEY. If submitted by someone other than a Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, or Executor, a power of attorney (State of Hawaii, Department of Taxation, Form N-848) must be submitted with this application. **If a Tax Clearance is required from the Internal Revenue Service, IRS Form 8821, or IRS Form 2848 is also required.** Applications submitted without proper authorization will be sent to the address of record with the taxing authority. **UNSIGNED APPLICATIONS WILL NOT BE PROCESSED.**

PLEASE TYPE OR PRINT CLEARLY — THE FRONT PAGE OF THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL.

SEE PAGE 2 ON REVERSE & SEPARATE INSTRUCTIONS. Failure to provide required information on page 2 of this application or as required in the separate instructions to this application will result in a denial of the Tax Clearance request.

FOR OFFICE USE ONLY

BUSINESS START DATE IN HAWAII
IF APPLICABLE
/ /

HAWAII RETURNS FILED
IF APPLICABLE

20____ 20____ 20____

STATE APPROVAL STAMP

*IRS APPROVAL STAMP

CERTIFIED COPY STAMP

7. **CITY, COUNTY, OR STATE GOVERNMENT CONTRACT:** ☐ Bid/Entering Into a Contract ☐ Completion/Final Payment
For completion/final payment of contract, please provide the name and telephone number of the contact person at the State or County Agency.
Name: _____ Telephone Number: _____

8. **LIQUOR LICENSING:** ☐ Initial ☐ Renewal ☐ Transfer-Seller ☐ Transfer-Buyer ☐ Special Event
9. **CONTRACTOR LICENSING:** ☐ Initial ☐ Renewal
10. **STATE RESIDENCY:** DATE APPLICANT ARRIVED IN HAWAII _____
11. **ACCOUNTING PERIOD:** ☐ Calendar year ☐ Fiscal year ending _____
(MM/DD)

12. **TAX EXEMPT ORGANIZATION:**
A) Provide the Internal Revenue Code Section that applies to your exemption. _____
B) Does your organization file federal Form 990-T, Exempt Organization Business Income Tax Return? ☐ YES ☐ NO
13. **CORPORATION:** Parent's Corporation Name _____ FEIN _____
14. **INDIVIDUAL:** Spouse's Name _____ SSN _____
15. **IF YOU DO NOT HAVE A GENERAL EXCISE TAX LICENSE AND REQUIRE A TAX CLEARANCE FOR A GOVERNMENT CONTRACT:**
A) Has your firm had any business income in Hawaii prior to the Bid? ☐ YES ☐ NO
B) Does your firm have an office, inventory, property, employees, or other representatives in the State of Hawaii? ☐ YES ☐ NO
C) Has your firm provided any services within the State of Hawaii? ☐ YES ☐ NO
16. **FILING THE APPLICATION FOR TAX CLEARANCE:**

The completed application may be mailed, faxed, or submitted in person to the Department of Taxation, Taxpayer Services Branch. Applications which require an Internal Revenue Service Tax Clearance will be forwarded to the Internal Revenue Service after processing is completed by the Department of Taxation. Allow up to 10 to 15 business days for processing between the Department of Taxation and the Internal Revenue Service.

State Dept. of Taxation
TAXPAYER SERVICES BRANCH
P.O. BOX 259
HONOLULU, HI 96809-0259
TELEPHONE NO.: 808-587-4242
TOLL FREE: 1-800-222-3229
FAX NO.: 808-587-1488
or
830 PUNCHBOWL STREET, RM 124
HONOLULU, HI 96813-5094

Internal Revenue Service
WAGE & INVESTMENT DIVISION
-TC M/S H214
FIELD ASSISTANCE GROUP 562
300 ALA MOANA BLVD., #50089
HONOLULU, HI 96850
TELEPHONE NO.: 808-539-1555
FAX NO.: 808-539-1573
or
TAXPAYER ASSISTANCE CENTER
HONOLULU:
300 ALA MOANA BLVD., RM 1-128

Applications are available at Department of Taxation and IRS offices in Hawaii, and may also be requested by calling the Department of Taxation's Forms By Fax/Mail request line on Oahu at 808-587-7572 or toll-free at 1-800-222-7572. The Tax Clearance Application, Form A-6, can be downloaded from the Department of Taxation's website (www.hawaii.gov/tax).

----- FOR OFFICE USE ONLY -----

TYPE OF TAX	TAX RETURNS FILED STATUS	Clerk's Initials	ITEMS RECEIVED
INCOME			
GENERAL EXCISE/USE			
HAWAII WITHHOLDING			
TRANSIENT ACCOMMODATIONS			
RENTAL MOTOR /TOUR VEHICLE			
UNEMPLOYMENT INSURANCE			
OTHER TAXES			

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT C – DLIR APPLICATION



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
**INSTRUCTION SHEET FOR FORM LIR#27 APPLICATION FOR
CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR**

Purpose

The State and County Government Purchasing Offices require vendors to submit a completed copy of this certificate. **Page 1 of this application becomes the Certificate of Approval.** Facsimiles and copies of this approval form are proof of compliance. This certificate applies to the Hawaii Unemployment Insurance, Workers' Compensation, Temporary Disability Insurance, and Prepaid Health Care programs.

Applications are available at the addresses below and can be downloaded from the Department of Labor and Industrial Relations' (DLIR) web site (www.hawaii.gov/labor). From the DLIR web site, Form LIR#27 is listed under the Unemployment Insurance Division and Disability Compensation Division.

DO NOT SUBMIT THIS PAGE

Approved, Not Applicable, or Pending certificates are valid for 6 months.

Date submitted to the DLIR _____ (for your use)
Allow up to a total of seven (7) business days for processing.

**FILING INSTRUCTIONS FOR THE
APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR
Form LIR#27 (Rev. 10/05)**

SUBMIT (mail, fax, or deliver) completed application only to the Department of Labor and Industrial Relations, Unemployment Insurance Division*.

*Unemployment Insurance Division
830 Punchbowl Street, Room 437
Honolulu, Hawaii 96813
Ph: (808) 586-8926
Fax: (808) 586-8929

INQUIRIES regarding the status of an application submitted seven (7) business days earlier should be directed to the **Disability Compensation Division**** (Workers' Compensation, Temporary Disability Insurance, and Prepaid Health programs).

**Disability Compensation Division
830 Punchbowl Street, Room 209
Honolulu, Hawaii 96813
Ph: (808) 586-9200
Fax: (808) 586-9206

The **Approved, Not Applicable, or Pending** certificate of approval will be faxed to the applicant by the Disability Compensation Division. **Non-compliant** applicants will receive Form LIR#27A instructing the applicant to contact the appropriate program(s).



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
FORM LIR#27 APPLICATION FOR
CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR

1. APPLICANT INFORMATION: (Please Type or Print Clearly)

*Applicant's Business Name			
Address	City	State	Zip Code
DBA/Trade Name			

* Business name must be the same name submitted with the applicant's bid or proposal.

2. IDENTIFICATION NUMBER(S): (Complete Applicable ID Numbers)

State Department of Labor Unemployment Insurance ID#	Federal Employer ID# (FEIN)
--	-----------------------------

3. EMPLOYERS: If you have a State Department of Labor Unemployment Insurance ID#, please skip question 3 only:

Do you currently have employee(s) working in the State of Hawaii? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you plan to have employee(s) work in the State of Hawaii? <input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

SEE INSTRUCTION SHEET FOR FILING INSTRUCTIONS. Failure to provide above required information on this application will result in a denial of this request. Unsigned applications will not be processed.

4. SIGNATURE:

Signature	Date	Telephone No. ()	Fax No. ()
Print Name	PRINT TITLE: Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, Executor		
Email Address			

NOTE: If this application is stamped "PENDING", another LIR#27 must be submitted when employees are performing services in the State to determine compliance with the State of Hawaii labor laws. Approval constitutes a certificate of compliance with labor laws based on information available to the Department as of the approval date.

THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL.

Facsimiles and copies of this approval form are proof of compliance.

FOR OFFICE USE ONLY		Department of Labor and Industrial Relations Approval Stamp
DLIR Log No.	Date Received	

This certificate is valid for SIX (6) MONTHS from the approval date.

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT D – HAWAII ADMINISTRATIVE RULES, SECTION 3-122-112

resources and expertise available, or the ability to obtain them, in order to meet contractual requirements;

- (3) References for the determination of a satisfactory record of performance;
- (4) References for the determination of a satisfactory record of integrity;
- (5) Legal qualifications to contract with the State; and
- (6) Additional information necessary for a determination of responsibility. [Eff 12/15/95; comp 11/17/97; comp APR 1 8 2005] (Auth: HRS §§103D-202, 103D-310) (Imp: HRS §103D-310)

§3-122-110 REPEALED. [R 7/25/02]

§3-122-111 Notice of intent to offer. (a) When required by the solicitation, a prospective offeror shall file a written notice of intent to offer, subject to the following:

- (1) The notice shall be received not less than ten days prior to the deadline for receipt of offers.
- (2) The notice may be submitted by facsimile, pursuant to section 3-122-9, and the date of receipt as evidenced by the procurement officer's transaction receiving report, shall determine timeliness of the notice.

(b) A notice of intent to offer may be waived in the case of a single offer when the procurement officer determines that acceptance is in the best interest of the public and the basis for the acceptance is explained in the written determination. [Eff and comp APR 1 8 2005] (Auth: HRS §§103D-202, 103D-310) (Imp: HRS §103D-310)

§3-122-112 Responsibility of offerors. (a) The offeror, as proof of compliance with the requirements of section 103D-310(c), HRS, upon award of a contract made pursuant to section 103D-302, 103D-303, 103D-304, 103D-305 or 103D-306, HRS, shall provide:

- (1) A tax clearance certificate from the department of taxation and the Internal Revenue Service, subject to section 103D-328,

HRS, current within six months of issuance date;

(2) A certificate of compliance for chapters 383, 386, 392, and 393, HRS, from the department of labor and industrial relations, current within six months of issuance date; and

(3) A certificate of good standing from the business registration division of the department of commerce and consumer affairs, current within six months of issuance date.

(b) In lieu of the above certificates, offeror may make available proof of compliance through a State Procurement Office designated certification process.

(c) For the purpose of this section, a business registered to do business in the State as a separate branch or division means a business that is required to be registered with the department of commerce and consumer affairs.

(d) All state and county procurement officers or agents shall withhold final payment of a contract made pursuant to sections 103D-302, 103D-303, 103D-304, or 103D-306, and shall not apply to any contract of less than \$25,000 or any contract entered into pursuant to section 103D-305 or 103D-307, until receipt of:

(1) A tax clearance certificate from the director of taxation and the Internal Revenue Service, subject to section 103D-328, HRS, current within two months of issuance date; and a certification from the contractor affirming that the contractor has, as applicable, remained in compliance with all laws as required by this section. A contractor making a false affirmation shall be suspended and may be debarred pursuant to section 103D-702, HRS; or

(2) Proof of compliance as provided in subsection (b).

(e) This section shall not apply to any contract to the extent it jeopardizes federal funding. [Eff and comp APR 18 2005] (Auth: HRS §§103D-202, 103D-310) (Imp: HRS §103D-310)

§§3-122-113 to 3-122-115 (Reserved).

SUBCHAPTER 14

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT E – CERTIFICATE FOR FINAL PAYMENT (SPO FORM-22)

Reference: _____ (Contract Number) _____ (IFB/RFP Number)

1. Chapter 383, HRS, Hawaii Employment Security Law – Unemployment Insurance;
2. Chapter 386, HRS, Worker’s Compensation Law;
3. Chapter 392, HRS, Temporary Disability Insurance;
4. Chapter 393, HRS, Prepaid Health Care Act; and

Moreover, _____
(Company Name)
acknowledges that making a false statement shall cause its suspension and may cause its
debarment from future awards of contracts.

Date: _____

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT F – REPORT ON PHASE 1a OF THE HAWAII CZM
PERFORMANCE MEASUREMENT SYSTEM
JANUARY 2006

Report on Phase 1a of the Hawaii CZM Performance Measurement System

January 2006

Hawaii Coastal Zone Management Program
Office of Planning
Department of Business, Economic Development, and Tourism
State of Hawaii

Prepared by:
John M. Knox & Associates, Inc.

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**Preliminary Assessment Report on Public Access and Government Coordination
& Decision-Making Indicators under the National Coastal Management
Performance Measurement System for FY 2004-2005**

1. EXECUTIVE SUMMARY

The Coastal Zone Management Act (CZMA) mandates coastal states to provide and improve access to the coast. The Hawai'i CZM Program, through the requirements of the National Coastal Management Performance Measures Systems (NCMPMS), piloted a project on "Public Access" performance indicators to assess and track its accomplishments on the provision of beach/shoreline access sites, recreational boat access sites, and areas for natural/cultural resources for the fiscal year 2004-2005.

The project also included indicators for "Government Coordination and Decision Making." The Hawai'i CZM Program in fact regards the Government Coordination function as its over-arching key mission. We give somewhat more emphasis to Public Access in this document – but only because this is largely a technical report on "lessons learned" in the initial data collection effort, and the Public Access indicators proved more challenging from that technical perspective.

In response to the requirements of the NCMPMS, this document reflects the data collected for the indicators for Phase 1a. Equally or more importantly, it also includes recommendations on specific issues identified during the Phase 1a data collection process – i.e., "lessons learned." Appendices B, C and D summarize the data collected for the public access and government coordination and decision-making indicators. Key findings and issues cited, as well as recommendations provided, are tabulated below.

Key Findings and Issues	Action(s) Taken / Proposed Solutions
Data collection and management needs of a Networked program <ul style="list-style-type: none"> <i>The Hawai'i CZM Program is a decentralized program constantly working with partners to implement CZM activities. The network nature of the program translates to data located among network agencies outside of the CZM Program. It is a major challenge to get partner agencies to report data, especially in standardized ways.</i> 	<ul style="list-style-type: none"> <i>CZM staff and consultants held a series of meetings with members of the Hawai'i CZM network to agree on terms and set the foundation for future reporting. More such meetings will be needed for future phases.</i> <i>Additional federal financial and technical assistance would help the Hawai'i CZM Program establish a central database accessible for the network partners to easily input data and pertinent information.</i>

Key Findings and Issues	Action(s) Taken / Proposed Solutions
Difficulties inherent in a phased approach <ul style="list-style-type: none"> Because the NCMPMS six broad areas do not correspond to current record-keeping categories, we found an initial tendency for partner agencies to overstate dollars and outcomes in the "Public Access" category alone, without considering how this would affect reporting for later categories/phases. 	<ul style="list-style-type: none"> The Hawai'i CZM Program and its partner agencies are now trying to start by estimating overall division of expenditures and work activities among the NCMPMS categories. The program is also re-structuring its consultant contract to require an integrated approach to all phases.
Data gaps <ul style="list-style-type: none"> Data gaps do not necessarily mean the information does not exist – it was simply not obtainable in the short term. For instance, there is no current inventory of public access sites, no annual inventory of new public access sites or of areas enhanced and maintained. Therefore, this preliminary report contains no data for indicators PA2, PA4, PA5, and PA6; and partial data for GCD5. 	<ul style="list-style-type: none"> Hawai'i CZM network partners (e.g. counties) agree to provide such information for Fiscal Year 2005-2006. Access sites will be reported based on: (i) required permits and (ii) construction/ establishment of the access site. The Hawai'i CZM Program plans to develop a database management system to minimize the data gaps both for NCMPMS and for broader program goals and objectives.
Need for additional indicators <ul style="list-style-type: none"> County-level partners wish to report access-related outcomes achieved through their own expenditures (non-matching, which are considered "leveraged funding" by the NCMPMS). County partners usually provide access through the SMA permitting process and related enforcement activities. There is often a time gap between the requirement and actual implementation. 	<ul style="list-style-type: none"> In the Phase 1b report for 2005-06, the Hawai'i CZM program intends to include reported additional outcome from "leveraged funding" for PA4, PA5 and PA6. In the Phase 1b report, Hawai'i intends to split the PA4 reporting of new access sites – beach, boat, and natural/cultural resources – into "newly required" vs. "newly established" sites.
Non-consolidation of data <ul style="list-style-type: none"> The Hawai'i CZM Program and its partners lack a coordinated system for organizing and sharing available data. The NCMPMS requirements only highlighted what was becoming an obvious problem anyway. 	<ul style="list-style-type: none"> The Hawai'i CZM Program intends to develop an integrated information management system linking the data from its partners to the focus areas under the NCMPMS, which can later be translated into a Geographic Information System as an additional support tool to obtain performance measures data. The Program intends to seek grant funding to implement such a system.

Key Findings and Issues	Action(s) Taken / Proposed Solutions
<p>Standard reporting format</p> <ul style="list-style-type: none"> The bi-annual performance reports are potential vehicles for partner agencies to report information required by the NCMPMS. However, these reports were not particularly helpful in the data collection for Phase 1a, since they currently lack a standard format that captures the numbers and dollars according to NCMPMS categories. 	<ul style="list-style-type: none"> For Phase 1b, CZM staff and consultants will design a survey to be included in the future bi-annual reporting system. This survey will capture the different indicator requirements. The Hawai'i CZM Program intends to develop a standard format in accordance with the performance measures focus areas and in consistency with the national format.
<p>Dollar allocation</p> <ul style="list-style-type: none"> The Hawai'i CZM Program funding database organization is also not currently categorized according to the six broad focus areas used in the NCMPMS. Nonetheless, the CZM Program conducts activities which could be categorized under each of the focus areas. Because the database is not organized by NCMPMS categories, it was very difficult for network partners to estimate how much funding went to "Public Access" in particular. 	<ul style="list-style-type: none"> In future, database and contracts requirements, as well as in-house funding disbursement (e.g. travel and personnel expenditures), will be linked to the focus areas. The program intends to design additional forms for contractors and staff organized by NCMPMS categories. CZM staff and consultants met with network partners and crafted an agreement that – for purposes of this preliminary 2004-05 report – funding would be equally divided among the five main focus areas (other than Government Coordination). This reflects the idea that partners use funds for all the purposes.
<p>Inconsistency in use of certain general terms</p> <ul style="list-style-type: none"> "CZMA funding" in the general glossary does not match use of terms in indicator glossaries. (For example, GCD2 uses both the terms "CZMA federal and matching funds" and "CZMA funds." PA1 uses the term "CZMA dollars" instead of "funds.") "Non-CZMA funds" vs. "state dollars." 	<ul style="list-style-type: none"> Since "CZMA funding" refers to both the federal money and matching dollars, we would ask the federal government to amend all indicator glossaries to ensure consistent use of terms. The phrase "CZMA funding" is preferred. We recommend use of the term "state dollars" as it is less confusing.

Key Findings and Issues	Action(s) Taken / Proposed Solutions
<p>Unit of measure</p> <ul style="list-style-type: none"> The State GIS Program has data for coastal wetlands (an example of "natural resources") in <u>acres</u>. The indicator requires the number of natural resource "<u>sites</u>" open for public use to be reported. 	<ul style="list-style-type: none"> Flexibility in what unit of measurement to follow (e.g. acres or number of wetlands, etc.). We may not be able to provide data if it is required in only a single unit of measurement. Flexibility will allow the Hawai'i program's story to be told more usefully and accurately.
<p>Need for further guidelines on specific indicators</p> <ul style="list-style-type: none"> Some indicator categories are potentially very large and nebulous. For example, it can be argued that there are scores of categories of cultural resources in Hawai'i. What is reasonable given the restraints of time and resources? Will what we report to give an accurate picture of the cultural resources being protected in Hawai'i? In addition to possible clarity problems, there are also some possible inconsistencies in the glossaries. For example, "public access" vs. "public use" – these two terms were used separately in the glossary but can be interpreted in the same way. 	<ul style="list-style-type: none"> The Hawai'i CZM Program and its consultants felt the need to develop our own further set of "explanations" and definitions, as laid out in Appendix A of this report. These were developed in concert with some or our network partners. We understand and appreciate the fact that OCRM plans to amend its glossaries. Perhaps some of the issues raised here and in Appendix A can be helpful in this revision process. Also, Appendices B and D specify the need for further federal specification or revisions on particular indicators: PA6, PA7, PA10 (in regard to unit of measure), and GCD1 and 2.

2. Purpose of the Report

The primary purpose of this report is to summarize "lessons learned" from the initial Hawai'i pilot project ("Phase 1a") for the National Coastal Management Performance Measurement System (NCMPMS). Appendices to the report also include as much of the data for Fiscal Year 2004-05 as proved possible to collect. As a result of this effort, we expect to be able to generate a more complete set of Fiscal Year 2005-06 data for the "Phase 1b" report due July 31, 2006.

3. The National Coastal Management Performance Measurement System¹

The National Oceanic and Atmospheric Administration (NOAA) developed the NCMPMS to assess the national impact of coastal management programs and to track the progress in achieving objectives of the Coastal Zone Management Act (CZMA). The system serves as a mechanism for quantifying the national impact of the CZMA by tracking and aggregating indicators of the effectiveness of the CZMA programs. It will allow NOAA to better tell the national coastal program's "story" to government oversight agencies – those with funding control in the Office of Management & Budget and the Congress – about its effectiveness and ability to produce results.

NOAA has asked coastal states to collect and compile indicator data on:

- Phase 1: "Public Access" and "Government Coordination and Decision Making" (the initial, current phase);
- Phase 2: "Coastal Habitats" and "Coastal Water Quality;" and
- Phase 3: "Coastal Hazards" and "Community Dependent Uses and Community Development."

Performance measures include three components: indicators of performance, units of measure, and baseline information. An *indicator* is a parameter providing a simplified view of a more complex phenomenon, or provides insight about a trend or event that cannot be directly observed. Indicators, when incorporated into a performance measurement system, can be used both to quantify change and also to simplify complex information. The system is tailored to be relevant to individual coastal management programs and to be suitable for aggregating into regionally and nationally relevant information.

The system measures the on-the-ground results of coastal management through a combination of *performance indicators* and contextual information, referred to as *contextual indicators*. Performance indicators include various measures of program inputs, process, outputs, and – most importantly – *outcomes*, e.g., changes in the state

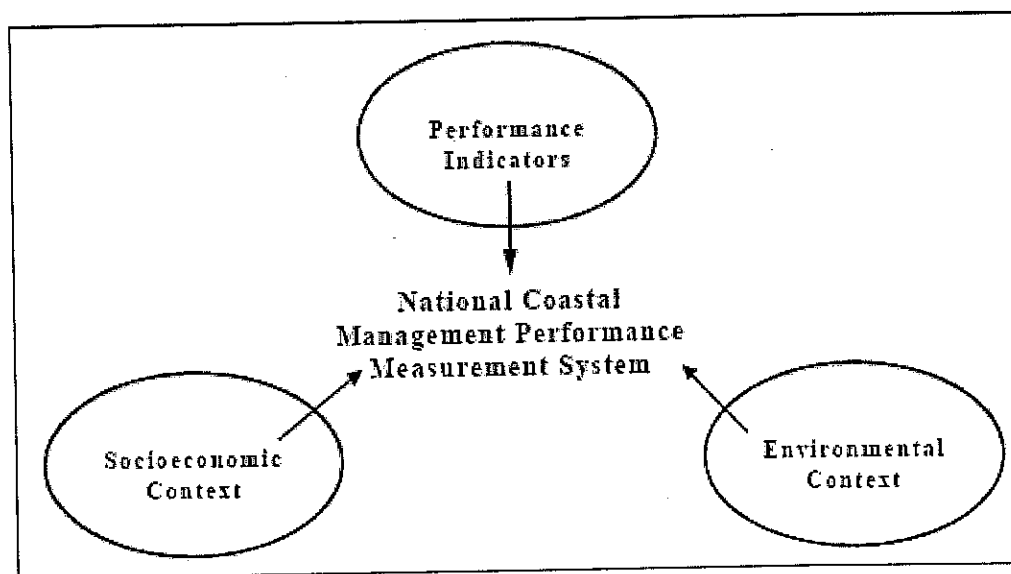
¹ Text copied from:

NOAA. 2005. *Report to Congress on National Coastal Management Performance Measurement System*. Office of Ocean and Coastal Resources Management, Silver Spring, MD.

of coastal resources over time or public satisfaction with public access conditions.

The system also incorporates *contextual indicators* that provide a more comprehensive picture of the environmental and socioeconomic circumstances that may greatly influence actions of the CZMA programs. Water quality, population, and development trends serve as examples of contextual indicators. Some contextual indicators also provide baseline references against which progress on other indicators can be measured. The environmental and socioeconomic contextual indicators in combination with performance indicators make up the National Coastal Management Performance Measurement System (Fig. 1).

Figure 1: The National Coastal Management Performance Measurement System Framework



4. The Hawai'i Coastal Zone Management Program²

The Hawai'i Coastal Zone Management Program was developed in response to the national enactment of the Coastal Zone Management Act in 1972. Based on the premise that coastal resource use and development should be environmentally sound, socially acceptable, and economically beneficial to the people of Hawai'i, the Hawai'i Coastal Zone Management Law (Chapter 205A, Hawai'i Revised Statutes) was passed in 1977. The CZM law is mainly about sustainable management of Hawai'i's coastal areas and resources – including beaches, fishponds, scenic areas, marinas, wetlands, recreational areas, anchialine ponds, fish, open spaces, whales, sea turtles, harbors, historic sites and ecosystems.

² The Hawaii CZM Program was approved under the Coastal Zone Management Act in 1978. For a full description of the Program, see *State of Hawaii Coastal Zone Management Program and Final Environmental Impact Statement*, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management (circa 1978); *Hawaii Coastal Zone Management Program* (Program Document), July 1990; Hawai'i Revised Statutes, Chapter 205A.

The current Hawai'i CZM Program is composed of a network of agencies and organizations that oversee implementation of the objectives and policies set forth in its enabling legislation (Chapter 205A, Hawai'i Revised Statutes). Within this framework, all State and county agencies with coastal and marine management responsibilities are required to actively work towards common objectives including the following:

- Provide coastal recreational opportunities accessible to the public.
- Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- Provide public or private facilities and improvement important to the State's economy in suitable locations.
- Reduce hazards to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
- Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- Stimulate public awareness, education, and participation in coastal management.
- Protect beaches for public use and recreation.
- Implement the State's ocean resources management plan.

Within the network management framework, the Office of Planning, under the State's Department of Business, Economics, Development and Tourism (DBEDT), is the "lead agency" and is responsible for a number of activities. Some of its functions include:

- Receiving, disbursing, using, expending, and accounting for all funds that are made available by the Federal and the State for the Hawai'i CZM Program;
- Providing support and assistance in the administration of the Hawai'i CZM Program;
- Reviewing federal programs, permits, licenses and development proposals for consistency with the Hawai'i CZM Program;
- Preparing guidelines as necessary to further specify and clarify the objectives and policies of Chapter 205A, HRS, in consultation with the counties and the general public;
- Facilitating public participation in the Hawai'i CZM Program; and
- Preparing an annual report to the governor and the legislature which includes recommendations for enactment of any legislation necessary to require agency to comply with the objectives and policies of Chapter 205A, HRS and any guidelines enacted by the legislature.³

³ [Act 356, 1989 SLH].

The Office of Planning is also responsible for ensuring compliance with Hawai'i's CZM Program by all state and county agencies. The Office of Planning monitors CZM-related activities and permit approvals of the various network agencies including the State Land Use Commission's land use district boundary amendments and the Department of Land and Natural Resources' (DLNR's) conservation district use applications and environmental impact assessments and statements.

The Office of Planning also works closely with county governments,⁴ which are responsible for implementation of the special management area permitting process. Annually, the Office of Planning allocates approximately 50% of the CZM budget to county planning departments to support efforts that benefit the coastal zone and the communities therein.

Thus, county planners are particularly important members of the CZM "network," and their cooperation was essential for the data collection effort described below.

5. Data Collection

In July 2005, the Hawai'i Coastal Zone Management Program contracted with John M. Knox and Associates, Inc. (JMK Associates) to help oversee the implementation of the NCMPMS in Hawai'i. That contract was originally focused on the Phase 1a and Phase 1b reports.

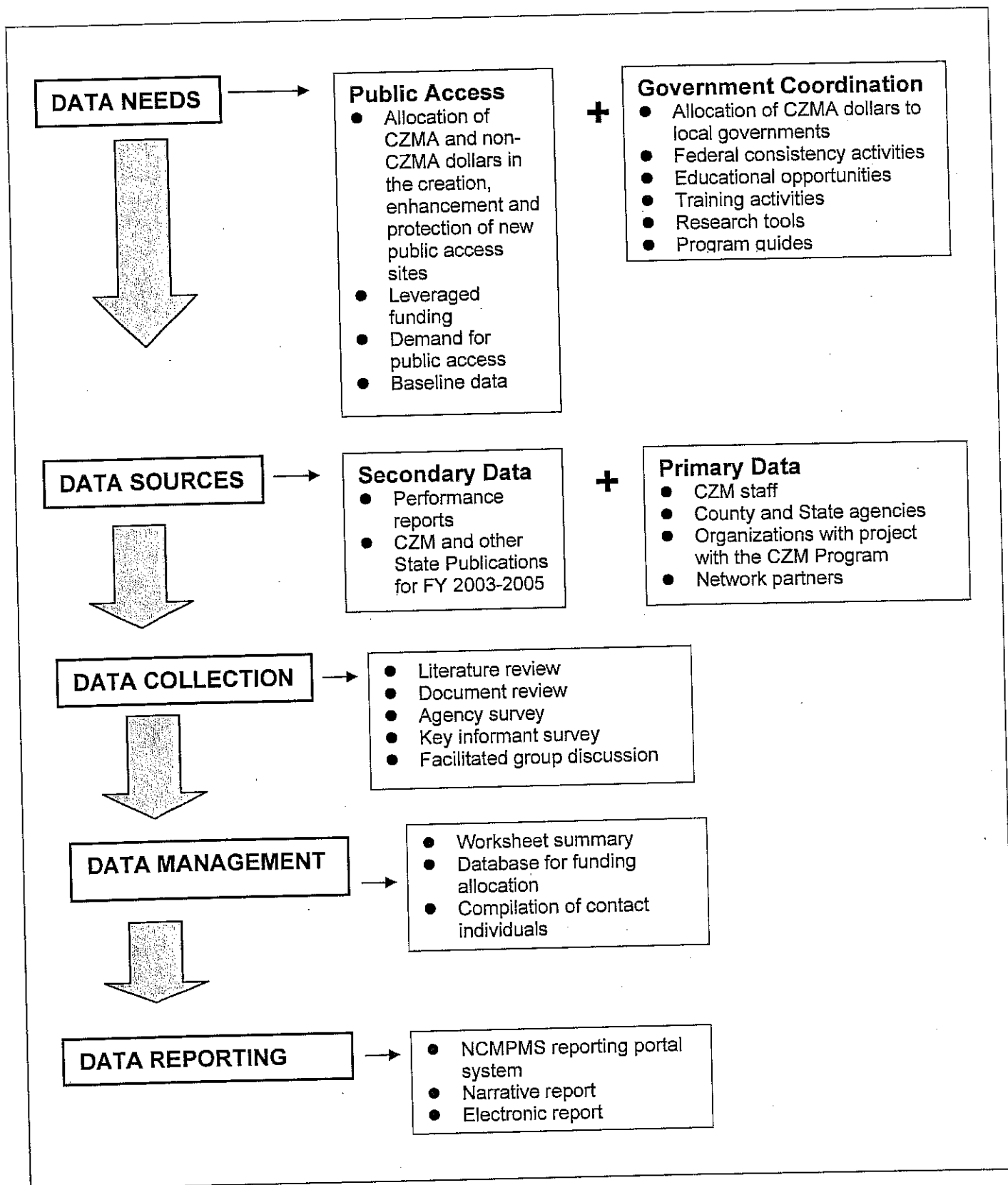
In conjunction with Hawai'i CZM staff, JMK Associates developed an initial work plan to assess the availability of data sources, feasibility of the collection methodology, and identification of potential issues that might affect the data collection and reporting. The following framework (Figure 2, next page) reflects the key elements of that work plan.

The first step was to identify the data needed for the assessment, followed by determination of sources. Because the Hawai'i CZM program is decentralized and consists of a network of agencies, JMK Associates had to determine which data could be obtained internally from the Office of Planning alone and which had to be obtained from network partner agencies (i.e., county planning departments or other state agencies). This was not immediately apparent and required some "detective work," because existing databases were not organized into categories used by the NCMPMS.

However, consultants and staff eventually determined that (a) some of the Public Access and most of the Government Coordination data could be collected from the Office of Planning alone; and (b) county planning departments were the chief, though not only, source of remaining data. The principal data that had to be collected from

⁴ Hawai'i has only four county governments and no municipal governments. The City and County of Honolulu consists primarily of the island of O'ahu, though it technically also includes the entire chain of tiny Northwestern Hawai'i Islands. Kaua'i County consists mostly of the island of Kaua'i, plus the lightly populated small island of Ni'ihau. Maui County includes the populated islands of Maui, Moloka'i, and Lana'i, plus the unpopulated island of Kaho'lawe. Hawai'i County consists of Hawai'i Island, which is more than twice the size of all the rest of the islands put together. However, the City and County of Honolulu contains more than 70% of the state's resident population.

Figure 2: Hawai'i Performance Measurement Plan Framework



partner agencies were: allocations of CZMA and non-CZMA dollars to CZM activities that provide and enhance public access to the coast; dollars allocated to local governments and spent on research tools; number of new, enhanced and protected public access sites; number of educational and training activities that improves management of coastal zone; and baseline information concerning the coastal zone.

JMK Associates initially prepared a survey form to be sent to the counties and other partner agencies in order to collect the needed information. However, the sheer volume of requested information – as well as the possibility that various terms could be differently understood by different agencies – gave pause to CZM staff and consultants.

The consultants then held meetings with a few selected county and state agencies, in the hope that these "representative" agencies could help them fine-tune definitions and instructions for a survey approach for Phase 1a. However, these meetings raised some serious red flags. The agencies expressed multiple concerns, including:

- Disbelief that the system would not eventually be used to evaluate them;
- A negative belief that the current set of indicators did not necessarily reflect the nature/value of their CZM-related work;
- Worry that accomplishments in an economically "good" year would be taken as an enduring benchmark of expected achievement;
- Anxiety about the extent of record-keeping that might be needed;
- Frustration over the possible need for duplicate reporting systems; and
- Doubt that agreements reached with one agency about definitions and approaches could readily be generalized to other agencies.

Additionally, these conversations made both the consultants and the agencies aware that there was a danger to the phased approach of considering Public Access and Government Coordination alone: Because of the desire to give positive answers in this phase, and because the current appropriation and reporting categories did not mesh with the NCMPMS categories, there was a tendency to report as much resource allocation and activity as possible just for Public Access and/or Government Coordination, with little consideration of the eventual reporting requirements for Coastal Habitats, Coastal Water Quality, etc.

Therefore, the Hawai'i CZM Program and JMK Associates mutually agreed to:

- Shift the Phase 1a emphasis from Public Access and Government Coordination data collection to –
 - Emphasizing partner "buy-in" by a cooperative effort to get partner agency (especially county) agreement on definitions, indicators, and reporting; and
 - Beginning the process of an integrated approach to NCMPMS in Hawai'i (e.g., estimating at least the dollar flows for all six broad focus areas before getting information on Public Access and Government Coordination alone).

- Accept that this Phase 1a report would contain a number of gaps in data for 2004-05, but could assure that the cooperative discussions with counties will produce a full set of numbers for the Phase 1b report on the 2005-06 period. Place as much or more emphasis in this Phase 1a report on "lessons learned" for Phase 1b as on the numbers for 2004-05.
- Amend JMK Associates' contract to replace the Phase 1b report with a recommended detailed scope of work for future phases of the NCMPPMS. That future scope would involve producing the Phase 1b report and reports for Phases 2 and 3, with attendant database organization and reporting systems which can guarantee that expenditures and activities for other phases will be taken into account when making initial estimates for Phase 1.

Following this decision, JMK Associates brought in University of Hawai'i Professor Kem Lowry, an expert in coastal zone planning, to facilitate a discussion with representatives of all county planning departments. This facilitated discussion proved generally successful in allaying many of the fears and reaching agreement on procedures and standardized definitions for 2005-06 reporting. From initially feeling that the NCMPPMS reporting would be unduly burdensome, county representatives went to feeling enthusiastic enough that they volunteered to report some additional Public Access measures for 2005-06, as specified later.

One of the most tedious but ultimately valuable aspects of the facilitated group discussion was a review of terms and definitions (ultimately labeled "Explanations," because the term "definitions" made county partners fear they needed lengthy review by county attorneys). While the federal Glossaries for NCMPPMS were helpful, they were not sufficient. Perhaps because Hawai'i is such a unique state, we found a need for agreement on other terms as well.

Appendix A contains the final standardized list of "Explanations" to emerge from the facilitated county review session. It is intended as a reference document for counties and other network partners in the Phase 1b 2005-06 data collection effort to come. It incorporates language from the Glossaries, decisions made by Hawai'i CZM staff and consultants, and joint agreements with county planners at the facilitated discussion.

A few of the more important elements of Appendix A include:

- **"Coastal zone:"** Based on data availability and manageability of data collection, the Hawai'i CZM Program defined the coastal zone for purposes of NCMPPMS reporting as special management areas (SMAs) plus three miles seaward (i.e., state water jurisdiction).
- **"Providing" access:** As noted in the discussion of indicator PA4 in the following section, public access in Hawai'i is most often created through the SMA permitting process. This led to a county request to distinguish between "newly required" and "newly established" access sites.

6. Notes on Public Access Indicators

Appendix B provides actual 2004-05 data (when available) – as well as sources and other notes – for Public Access indicators. However, this section provides some additional information that does not easily fit into the Appendix B matrix format, such as specific issues on how activities and projects are handled in Hawai'i and historic detail on how certain indicators have been part of the Hawai'i CZM Program. We also note occasional times when certain required indicators appear to have limited applicability in the Hawaiian context.

PA1: Number of dollars spent on activities that provide or enhance public access to the coast

Accounting for dollars specifically spent for provision and enhancement of public access posed a particular challenge in the data collection process because: (1) no guidelines were provided on which activities under Sections 306, 306A and 309 can exactly qualify as "activities that provide and enhance public access"; and (2) activities and projects have overlapping objectives. One project, for instance, can cover both public access provision and protection of coastal habitats. In the case of local governments (counties), CZMA funding may actually cover all the six major focus areas identified in the NCMFMS.

Therefore, for fiscal year 2004-2005, the Hawai'i CZM in agreement with its partners allocated the funding equally among focus areas, except for one county which provided a separate estimate. The Hawai'i CZM program plans to conduct an annual consultation among its partners for any changes in allocation based on program needs and external factors such as change in economic and political priorities. However, unless informed otherwise, the assumed default allocation will be 20% each for Public Access, Coastal Habitats, Coastal Water Quality, Coastal Hazards, and Coastal Dependent Uses. (Our understanding is that – for local governments – "Government Coordination" dollars are considered equivalent to the sum of dollars spent by the local governments for the other five categories; therefore, local governments are not asked to estimate dollars spent for Government Coordination.)

The performance measures system requires coastal programs to report "actual" dollars spent during a particular fiscal year. In Hawai'i, the duration of most projects – that is, projects conducted by network partners or other agencies that submit proposals to the Hawai'i CZM Program – is from 12 to 18 months at the minimum. This affects cash flow as money appropriated for a project that started on a certain reporting period does not get expended until the following fiscal year or even later. It was necessary for this preliminary report for CZM staff to supply data on a "best judgment" basis, and this will probably continue to be the case in the future. The only alternative would be for the Hawai'i CZM Program to limit network agencies to one-year projects, which does not seem feasible at this time.

As for non-CZMA ("state") funding spent to provide or enhance public access to the coast, the Hawai'i CZM Program, in practice, does not spend additional state dollars other than the state matching dollars used in its award application – which resulted in a "blank response" on the second item required for PA1.

PA2: Number of dollars leveraged by CZMA funds for activities that provide or enhance public access to the coast

The Hawai'i CZM Program does not currently require its network partners to report any leveraged dollars expended for particular projects or activities conducted using CZMA money. However, the Program plans to incorporate this figure as a requirement on future project proposals submitted by its partners.

PA3: Number of approved CZM programs that have a process to periodically assess the public demand for increased and/or improved public access sites within the coastal zone

In the past, the State conducted Statewide Comprehensive Outdoor Recreation Plans (SCORP), which included an assessment of the public demand for public access. In the last five years, however, the CZM Program felt that there was no need to conduct such assessment on a periodic basis since most of the coastal sites in Hawai'i are open to the public. The Hawai'i CZM Program could conduct such additional assessments, based on program needs and funding availability.

PA4: Number of new sites that provide public access to the coast (beach/shoreline access, recreational boat access and natural/cultural resource access)

At present, the Hawai'i CZM Program and its partners do not have a tracking system that easily identifies new public access sites to the coast. The establishment of new access sites is incorporated into the SMA permitting process, which is undertaken by the county governments and funded by the CZM Program.

Because the federal NCMPS consultant advised us that many states "provide" access through land acquisition and construction – which is rarely the case in Hawai'i – JMK Associates first decided to alter the term slightly to "newly create" access sites. This recognizes the fact that all coastal land in Hawai'i (with the exception of some military areas) is already publicly-owned and in some senses accessible. What sometimes are needed are designated public access trails, especially when coastal development discourages or blocks perpendicular access

Subsequently, in the facilitated group discussion, county officials suggested dividing numbers of "newly created" access sites into not one but two measures for each of the three types (beach, boat, and natural/cultural resources). These two measures would be (1) access sites required of private developers as a result of permit approvals given

during the reporting period; and (2) access sites actually established (i.e., constructed or built) during the reporting period. An access site that is required in one year may not actually be established until a much later year.

Furthermore – for PA4 and PA5 and PA6 – the counties said they wish to report results achieved through their own, non-CZMA-matching "leveraged" funding. They hope to do this beginning with the 2005-06 data.

The counties said they could not report the number of sites (PA4, PA5, or PA6) for FY 2004-2005 due to lack of personnel and funding to go back to old records. County officials, however, agreed to provide the numbers for FY 2005-2006 reporting.

PA5: Number of existing public access sites that have been enhanced (beach/shoreline access, recreational boat access, and natural/cultural resource access)

The Hawai'i CZM Program itself provides little or no funding for construction or renovation activities on facilities associated with beach/shoreline access, recreational boat areas, or natural/cultural access sites. Other state and local government agencies conduct those activities. Activities such as addition of fish cleaning stations are under the State Division of Boating and Outdoor Recreation or at times under the county governments.

The enhancement activities of other agencies are independent of any CZM activity. Hence, based on the premise that activities included in the NCMPMS should be related to any flow of CZMA funding, activities such as above cannot be included.

PA6: Number of sites where public access is protected or maintained through CZM permitting activities (beach/shoreline access, recreational boat access and natural/cultural resource access)

As with PA4 and PA5 above, the county governments in Hawai'i handle the CZM permitting activities (i.e., SMA permits). The counties chose not to report any numbers for this indicator for FY 2004-2005. Data will be collected for FY 2005-2006. A form will be appended to the bi-annual performance reports to capture the requirements of PA4, PA5, and PA6.

PA7: Percent of public that feels they have adequate access to the coast for recreation purposes

As noted above under PA3, the Hawai'i CZM Program does not currently conduct surveys assessing public perception on the adequacy of public access to the coast for recreation purposes. However, a survey conducted by the Hawai'i Tourism Authority in October - December 2005 did ask the public to rate government performance in providing public access in resort areas (which represents the major focus of concern in

Hawai'i about potential loss of traditional access for recreation or food-gathering). Although this survey was conducted slightly after the 2004-05 period, we include this result because it is the most recent available statistic which seems to address the reporting requirement in a way that is meaningful in the Hawai'i context.

PA8: Percent of acres in coastal zone open for public use

The existence of a statewide GIS portal made the data collection for PA8 easier than expected. The data collection challenge lies in the accounting for number of acres in the coastal zone that are open for public use. Based on the information available on the State GIS system (which is under the Office of Planning, the same entity that oversees the State CZM Program), the consultants with the assistance of the State GIS specialist established criteria for areas that are open for public use. The team followed the deductive approach – all private and federal properties were excluded and the remaining areas were assumed open for public use. We should acknowledge that some remote, cliff-bound areas may not be practically accessible by foot, and some stretches are not served by designated public access trails. However, in a strict sense, most of Hawai'i's coastal land is publicly-owned and hence available for public use.

PA9: Percent of total miles of beach in coastal zone open for public use

Based on the definition of "beach" in the original program document of the Hawai'i CZM Program, a beach is practically every piece of land from the shoreline to the wash of the waves. In Hawai'i, beaches are all publicly owned. There are no privately-owned beaches in Hawai'i. Hotels standing next to the beach do not have property rights over the beach itself, although resort operators usually ensure that beaches next to them are maintained to serve their clientele. They are also generally required to assure perpendicular access for residents.

PA10: Number of coastal sites open for public use (beach/shoreline access, recreational boat access and natural/cultural resource access)

The State of Hawai'i has no available database of its own on the total number of perpendicular beach/shoreline access trails. Some, but not all, of the county governments have somewhat outdated maps of designated public beach access sites, but even these do not include some access sites (e.g., federal beach properties or some private easements). However, the Surfrider Foundation – a nonprofit environmental organization – conducts an annual assessment of beaches around the country. Their most recent report⁵ on beach access reveals that Hawai'i has one (perpendicular) beach access site per mile of shoreline. The findings resulted in an approximate estimate of the number of beach access sites existing on the State. This was used for our baseline report on beach access sites in Appendix B.

⁵ State of the Beach 2005, <http://www.surfrider.org/>

Otherwise, as with PA 8 and PA9, the State's GIS portal system provided the majority of the data for PA10, except for the number for recreational boat access sites. In Hawai'i, boat access sites are not classified as "recreational boat access sites" or as "commercial boat access sites." That is because the existing ports, harbors, and boat ramps are open to both as long as they comply with the rules and fees are paid. In addition, some of the fishing boats are used for both recreational and commercial purposes. At times, it will be used for commercial business and there are times that it will sail for recreational fishing but using the same boat ramp, port or harbor. Given this situation, we simply reported the totals known to the State Division of Boating and Outdoor Recreation, even though these are not restricted to "recreation" alone.

For natural and cultural access sites, one important difficulty that we encountered involves the unit of measurement. The indicator requirement specifies number of natural or cultural resource access sites, including things like fishponds and wetlands. In Hawai'i, the State GIS system does include the number of sites for fishponds; however, measurement for wetlands is in acres. For this initial report, we include only the number of measurable "sites" (excluding wetlands, although our notes specify wetland acreage). This "apples-and-oranges" measurement problem remains unresolved at the present time. Additionally, some important Native Hawaiian cultural sites are not mapped out and no inventory has yet been completed. It is possible that access to some of these cultural sites can be reported for Phase 1b, but this issue may also linger.

7. Notes on Government Coordination and Decision-Making Indicators

Again, we present complete information – both available data for Fiscal Year 2004-05, as well as sources, problems, actual or putative solutions, and comments on Hawai'i uniqueness – in Appendix D. Following are supplemental or introductory notes.

GCD1: Number of CZM programs that support local government through: a) technical assistance and b) financial assistance

In Hawai'i, the county governments are considered the local government. There are four counties in the State of Hawai'i – City and County of Honolulu, Hawai'i County, Kaua'i County and Maui County. The counties carry out most of the coastal activities and projects on the islands. To implement coastal-zone-related activities, the counties need both financial and technical assistance.

The Hawai'i CZM Program continues to provide technical and financial assistance to counties. A big chunk of the annual CZMA budget goes to local government projects.

GCD2: Percent of CZMA funds used to support local governments through: a) technical assistance and b) financial assistance

For FY 2004-2005, of the CZMA federal dollars allocated to local governments by the state Program, approximately 90% is earmarked for the purpose of "financial assistance" to local governments, and the other 10% is categorized as "technical assistance."

GCD3: Percent of federal consistency projects that are consistent with program standards

The Hawai'i CZM Program has a good database system of projects evaluated for federal consistency. The program intends to keep and maintain the system and link it to a new performance measures database system to be created as the Program works on the different phases of the NCMPS.

GCD4: Number of educational activities and training opportunities offered by the CZM Program

Educational activities and training opportunities are integrated in the outreach programs conducted by the Hawai'i CZM Program. The bi-annual performance reports include the list of activities that has been conducted in a reporting period. The reports provide short narratives on the activities.

GCD5: Number of participants in educational activities and training opportunities offered by the CZM Program

The bi-annual performance reports list the activities that transpired. However, the number of participants in such activities is not currently required or included in the performance reports. The Hawai'i CZM Program plans to keep a good record both of the number of activities and also participants for future reporting.

GCD6: Number of CZMA dollars spent per year on research and tools to improve coastal management and decision making

The Hawai'i CZM Program supports research projects that aim to protect and enhance the condition of its coastal resources. For FY 2004-2005, the Program provided funding for digital imaging of layers for GIS mapping, coastal hazard mitigation plan development and design of a hurricane atlas, among others.

GCD7: Number of approved CZM programs that have adopted streamlined permitting processes

In Hawai'i, the local government agencies are responsible for the permitting processes. Because these are not "approved CZM programs" under the federal definition, we have marked this as "No," although in truth the actual answer would be "Not applicable" for Hawai'i. The Hawai'i CZM Program, however, provides financial assistance to support the implementation of the permits.

GCD8: Number of approved CZM programs that have up-to-date program management plans

The Hawai'i CZM Program is the only "approved CZM program" for the state. Its original document was last updated in 1990. The Program updates the document based on program needs and available budget.

GCD9: Number of approved CZM programs that have program guides to improve public understanding of the program

Public outreach is one of the regular activities of the Hawai'i CZM Program. The State Program produces brochures, internet, and newspaper articles to inform the public about its activities and any developments on the program. Most recently, the Hawai'i CZM Program produced a 16-page Ocean and Coastal Resources newspaper insert that was distributed to all the islands. The program also conducts regular updates of its website to keep the readers abreast of the current developments with the Program.

8. Lessons Learned: The Way Forward

The Executive Summary for this document extracts and encapsulates what we believe to be the critical "lessons learned," based on the foregoing summary of the Data Collection process and decisions made about how to record and report indicators. Many of the Executive Summary items are of a fairly specific, technical nature and/or reflect issues stemming from Hawai'i's unique nature as an island state.

This section contains somewhat expanded discussion about two particular "lessons learned" that we suspect may have broader applicability to at least some other states as well.

Data collection and management needs of a Networked program: As previously noted, the Hawai'i CZM Program is a networked coastal management program. The network consists of state and county agencies that implement laws to protect and enhance Hawai'i's coastal resources. For example, the county planning departments issue and enforce Special Management Area permits, which preserve, protect, and where possible, restore the natural resources of the coastal zone. The Hawai'i CZM Program itself is not a permitting agency. It is a policy-setting and coordinating program

that coordinates state, county, and federal activities in the coastal zone to ensure compliance with objectives and policies for the coast, as set forth in Hawai'i law.

Much of the data required under the NCMPMS resides *outside* of the Hawai'i CZM Program and in *other* state and county network agencies. This creates a major challenge in data collection. Our meetings with the network agencies revealed that data systems are generally unique to each agency. Data may be categorized and characterized in ways that are inconsistent with the NCMPMS reporting requirements. Data are often not current, due to the network agencies' need of more staff and funding.

Development of a centralized database accessible to all networked agencies will assist in streamlining the data collection process. Until such time, there is no assurance that network agencies will be able to provide complete data on a consistent basis. However, our communication efforts during this initial phase leave us hopeful that agreements have been reached on simple estimation procedures that will result in fairly complete reporting for at least the Phase 1b information this coming summer.

Difficulties inherent in a phased approach: We have already noted and explained why the Hawai'i CZM Program feels it appropriate to shift its effort for the rest of this year from a "Phase 1 only" approach to a more integrated approach. We will not, of course, attempt to report complete Phase 2 and Phase 3 data this summer, but we will aspire to:

- Tracking estimated dollar flows for all NCMPMS broad categories, not just Public Access, to assure that expenditures for any one category are neither over- nor underestimated; and
- Developing database and project reporting systems that will allow both the Office of Planning and its network partners to begin the shift from current categories to measures and categories consistent with NCMPMS.

To the extent that it is appropriate for Hawai'i to make suggestions to other states affected by these reporting requirements, this would certainly be our key suggestion.

APPENDICES

Appendix A.1: Explanation of Terms: Public Access

INDICATOR #	TERMINOLOGY	EXPLANATION	NOTE
(All)	Coastal zone	For the purposes of the NCMPPMS, coastal zone for the Hawai'i CZM program is defined as lands within the designated special management areas and state waters.	
PA1(1), PA2, PA3(1), PA4(A1), PA4 (A1), PA4(1)(A1), PA4(2)(A1), PA4(B1), PA4(1)B1, PA4(2)B1, PA4(C1), PA4(1)C1, PA4(2)C1, PA5(A1), PA5(B1), PA5(C1), PA6(A1) PA6(B1), PA6(C1)	CZMA federal and matching dollars	Coastal Zone Management Act Funding: federal funds appropriated through the Coastal Zone Management Act (CZMA) and the required matching funds included in the CZMA award application. Matching Funds: funds or in-kind services provided by state and local agencies or organizations that are included in the annual CZMA award application to satisfy the federally required ratio of non-federal to federal funds.	Taken from the Glossary of General Terms of the NCMPPMS website
PA1(2), PA3(2), PA4(A2), PA4(1)(A2), PA4(2)(A2), PA4(B2), PA4(1)(B2), PA4(2)(B2), PA4(C2), PA4(1)(C2), PA4(2)(C2), PA5(A2), PA5(B2), PA5(C2), PA6(A2), PA6(B2), PA6(C2)	Non-CZMA dollars	Refers to dollars other than the matching dollars appropriated by the State and spent by the CZM program and its network agencies in the implementation of projects in accordance with the goals of the CZM program	
PA2, PA4(A3), PA4(B3), PA4(C3), PA5(A3), PA5(B3), PA5(C3), PA6(A3), PA6(B3), PA6(C3)	Leveraged dollars	Funds or in-kind services over and above the CZM funds + matching dollars spent during the reporting period and due to a CZMA-funded project.	Taken from the Glossary of General Terms of the NCMPPMS website
PA1(1), PA1(2) PA2	"Activities" related to public access	Activities include projects eligible under Section 306, 306A, or 309 that provide or enhance public access to the coast	

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INDICATOR #	TERMINOLOGY	EXPLANATION	NOTE
All <u>except</u> PA8(1), PA8(2), PA9(1), and PA9(2)	Public access	The right-of-way across publicly or privately owned property which enables the public to reach a specific area or resource (e.g. beach, shoreline, boat ramps, cultural resources).	
All <u>except</u> PA7(1), PA7(2), ,, PA8(1), PA8(2), PA9(1), and PA9(2)	Access site	These are areas which provide the public the right of entry to the beach, boat ramps and natural/cultural resource areas. Examples of access sites are: fresh water wetlands, forested habitats, historic lighthouses.	Partly taken from the public access glossary
PA4(A1), PA4(A2), PA4(1)(A1), PA4(1)(A2), PA4(2)(A1), PA4(2)(A2), PA4(A3), PA5(A1), PA5(A2), PA5(A3), PA6(A1), PA6(A2), PA6(A3), PA9(1), PA9(2), PA10(A)	Beach/shoreline access	Refers to access sites to the beach or shoreline which are either publicly-owned or subject to a public easement. ("Beach" = <i>Temporary accumulations of rock fragments of erosion or calcareous origin-sand, pebble, cobble or boulder found along the shoreline to include all land up to the wash of the waves as evidenced by the vegetation or debris line, whichever is higher</i>)	Derived from the last definition meeting with CZM staff ("Beach" taken from the CZM Program document loaned from Ann Ogata-Deal)
PA4(B1), PA4(B2), PA4(1)(B1), PA4(1)(B2), PA4(2)(B1), PA4(2)(B2), PA4(B3), PA5(B1), PA5(B2), PA5(B3), PA6(B1), PA6(B2), PA6(B3), PA10(B)	Recreational boat access	Refers to access sites to utilize recreational boats which are either publicly-owned or subject to a public easement. Recreational boats include every description of watercraft used or capable of being used for pleasure or sports (e.g. sailboats, outrigger, motorboats, etc.)	
PA4(C1), PA4(C2), PA4(1)(C1), PA4(1)(C2), PA4(2)(C2), PA4(C3), PA5(C1), PA5(C2), PA4(C3), PA6(C1), PA6(C2), PA6(C3), PA10(C)	Access to natural resources	Refers to access sites to natural resources and cultural resources which are either publicly-owned or subject to a public easement. Natural resources are natural habitats that occur within the State's coastal zone (e.g. wetlands). These do not include beaches.	

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INDICATOR #	TERMINOLOGY	EXPLANATION	NOTE
PA4(C1), PA4(C2), PA4(1)(C1), PA4(1)(C2), PA4(2)(C2), PA4(C3), PA5(C1), PA5(C2), PA4(C3), PA6(C1), PA6(C2), PA6(C3), PA10(C)	Access to cultural resources	Refers to access sites to natural resources and cultural resources which are either publicly-owned or subject to a public easement. Cultural resources are resources of a cultural system that are valued by or representative of a culture or that contains significant information about a culture (e.g. fishponds, lighthouses)	
PA1(1), PA1(2) PA2, PA4(A1), PA4(A2), PA4(1)(A1), PA4(1)(A2), PA4(2)(A1), PA4(2)(A2), PA4(3), PA4(B1), PA4(B2), PA4(1)(B1), PA4(2)(B1), PA4(2)(B1), PA4(2)(B2), PA4(B3), PA4(C1), PA4(C2), PA4(1)(C1), PA4(1)(C2), PA4(2)(C1), PA4(2)(C2), PA4(C3),	"Providing" (newly creating) sites	Provision/creation of new sites includes acquisition of a beach/shoreline access sites, recreational boat access sites and natural/cultural resource access sites with CZMA funds or state-allocated dollars for public use. This can be in a form of easement or through fee simple ownership. This can also include conversion of undeveloped land into beach parks or designated access trails to cultural and natural resource areas using CZMA funds or state-allocated dollars.	
PA4(1)(A1), PA4(1)(A2), PA4(1)(B1), PA4(1)(B2), PA4(1)(C1), PA4(1)(C2)	"Newly required" sites	These are sites required by a regulatory permit during a reporting period i.e. a SMA permit required a developer to provide 3 public access sites to the beach/ shoreline – counted as 3 new sites "required".	
PA4(2)(A1), PA4(2)(A2), PA4(2)(B1), PA4(2)(B2), PA4(2)(C1), PA4(2)(C2)	"Newly established" sites	These are access sites physically built/constructed during the reporting period i.e. a newly required site (based on the SMA permit) is "actually" built.	
PA1(1), PA1(2) PA2, PA5(A1) PA5(A2), PA5(A3), PA5(B1), PA5(B2), PA5(B3)	"Enhancing" sites	Enhancement of beach/shoreline access sites, recreational boat access sites and natural/cultural resource access sites include activities that fall under CZMA Sections 306, 306A and 309 – e.g., shoreline public access signage program, public access outreach and educational activities, trail construction & renovation, construction of fish cleaning stations, parking structures and bathroom facilities	

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INDICATOR #	TERMINOLOGY	EXPLANATION	NOTE
PA1(1), PA1(2) PA2, PA6(A1) PA6(A2), PA6(A3), PA6(B1), PA6(B2), PA6(B3), PA6(C1), PA6(C2), PA6(C3)	"Protecting / maintaining" sites	Protecting and maintaining of beach/shoreline access sites, recreational boat access sites and natural/cultural resource access through permitting programs supported by CZM funds (i.e. SMA permits) can include areas within the coastal zone that provide or have provided public access that may have been without the regulatory restrictions that fall under a CZM-supported permitting program.	
PA1(1), PA1(2) PA2, PA6(A1) PA6(A2), PA6(A3), PA6(B1), PA6(B2), PA6(B3), PA6(C1), PA6(C2), PA6(C3)	CZMA-funded "permitting activities"	This is the SMA permitting process.	
PA8(2), PA9(2), PA10(A), PA10(B)	Public use	Public use is right-of-way across a property which enables the public to reach a specific area or resource, without regards to ownership (<i>can include federally-owned properties, NGO properties, etc.</i>).	

Appendix A.2: Explanation of Terms: Government Coordination and Decision Making

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INDICATOR #	TERMINOLOGY	EXPLANATION	NOTE
GCD1(1), GCD2(1), GCD2(2), GCD3, GCD4, GCD6 GCD7, GCD8 GCD9	Coastal zone	For the purposes of the NCMPPMS, coastal zone for the Hawai'i CZM program is defined as lands within the designated special management areas and state waters.	
GCD1(1), GCD1(2) GCD2(1), GCD2(2) GCD3, GCD4 GCD5, GCD6	CZMA federal and matching dollars	Coastal Zone Management Act Funding: federal funds appropriated through the Coastal Zone Management Act (CZMA) and the required matching funds included in the CZMA award application. Matching Funds: funds or in-kind services provided by state and local agencies or organizations that are included in the annual CZMA award application to satisfy the federally required ratio of non-federal to federal funds.	Taken from the Glossary of General Terms of the NCMPPMS website
	Non-CZMA dollars	Refers to dollars other than the matching dollars appropriated by the State and spent by the CZM program and its network agencies in the implementation of projects in accordance with the goals of the CZM program	
	Leveraged dollars	Funds or in-kind services over and above the CZM funds + matching dollars spent during the reporting period and due to a CZMA-funded project.	Taken from the Glossary of General Terms of the NCMPPMS website
GCD1(1), GCD2(1), GCD2(2)	Technical assistance to local government	Technical assistance is measured by dedicated CZM staff time devoted to the local government (i.e. counties)	
GCD1(2), GCD2(1), GCD3	Financial assistance to local government	Financial assistance includes all other form of assistance rendered to the local government other than the dedicated staff time	

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INDICATOR #	TERMINOLOGY	EXPLANATION	NOTE
GCD4, GCD5	Educational activities	Educational activities can include both field events where the public participates in activities such as beach cleanups or removal of invasive species to indoor events such as programs at coastal parks or education fairs.	Derived from the government coordination and decision making glossary
GCD4, GCD5	Training opportunities	Training opportunities can include events for both the public as well as for agencies and other professional audiences. Training opportunities can include events such as workshops, conferences, or training tailored to a specific audience, such as wetland regulators. Training opportunities can include Internet training materials used to provide remote access to specific training topics. Internet training should only be reported during the reporting period in which it is first made available through the Internet.	Derived from the government coordination and decision making glossary
GCD6	Research and tools to improve decision making	Research can include on-going environmental monitoring or remote sensing that is used to assist coastal management decision making. Tools to improve decision making can include socio-economic or environmental surveys, data collection and management techniques or software, and other management tools funded with federal or matching CZMA dollars	Derived from the government coordination and decision making glossary
GCD8	Up-to-date program management plan	These are CZM program management plans that have been updated/revised since the incorporation of the original CZM program document	
GCD9	Program guides to public	These are electronic and hard copy materials available for the public to learn more about the state CZM program. Guides can include brochures, pamphlets and news articles	

Appendix B: Summary of Results for Public Access Indicators

INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
PA1	Number of dollars spent on activities that provide or enhance public access to the coast CZMA federal dollars CZMA matching dollars Non-CZMA dollars spent by the CZM program	\$334,853.92 \$321,784.33 Data not available	Office of Planning CZM Program Grants and Projects Database c/o Susan Feehey Data collected: 20-Jan-06 Dollars reported include funding disbursed to local governments (counties).	The current Glossary does not provide clear guidelines or many examples of activities that can be included. In response, Hawai'i definitions of activities that "provide" public access, as well as activities that "enhance" public access, were developed. Refer to Appendix A for explanation of terms.	It would be helpful if NOAA-OCRM can give further guidelines on what specific projects should be included as activities that provide or enhance public access to the coast.	Accessibility to the coastline is not a big issue in Hawai'i. Most parts of the State's coastline are open for public use regardless of the mode of entry, lateral or otherwise.
PA2	Number of dollars leveraged by CZMA funds for activities that provide or enhance public access to the coast Dollars leveraged by other federal agencies Dollars leveraged by other state agencies Dollars leveraged by other local government agencies Dollars leveraged by NGOs, foundations, etc.	Data not available Data not available Data not available Data not available	The Hawai'i CZM Program, which is under the State Office of Planning, does not have a tracking system that monitors the amount of dollars leveraged by other agencies on a specific project. The Program tracks CZM dollars, as well as matching funds allocated.	The lack of a tracking system that monitors the allocation of leverage dollars to CZM-related activities and projects made it more difficult to follow the flow of dollars to the projects.	For specific CZM projects, the Hawai'i CZM Program will ask partner agencies to include in their grants proposal the approximate amount of leveraged dollars that applicants can contribute. This can be goods and services with dollar equivalent. The Hawai'i CZM Program can also follow this same process – i.e., inclusion of leveraged dollars expended by counties in their CZM-related activities included in bi-annual performance reports.	
PA3	Number of approved CZM programs that have a process to periodically assess the public demand for increased and/or improved public access sites within the coastal zone Are CZMA federal or matching funds use to periodically assess demand for increased or improved public access in the coastal zone? Are non-CZMA federal or matching funds use to periodically assess demand for increased or improved public access in the coastal zone?	No Data not available	Office of Planning CZM Program Contact: Douglas Tom Hawai'i CZM Program Manager	The OCRM suggested that periodic assessment at the minimum should be every 5 years (pers. comm. with Rounds, 11-05). The Hawai'i CZM Program does not assess demand for increased and/or improved public access sites within the coastal zone on a periodic basis i.e. every 5 years (or less). It should be noted, however, that the State CZM Program may conduct such assessments based on program needs. Of late, there has not been any necessity to perform such assessment.		Public access in Hawai'i is normally not taken away. Rather, through the SMA process, new public access sites are added or enhanced. The SMA process is a public one, and allows for public input on such topics as public access. The Hawai'i CZM Program believes the expense of a periodic survey of public demand makes little sense unless there are indications of problems with supply. Also, PA7 survey results seem to be a reasonable proxy for this.

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INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
PA4	<p>Number of new sites that provide public access to the coast</p> <p>New sites created using CZMA funds</p> <p>a. beach/shoreline access</p> <p>b. recreational boat access</p> <p>c. other natural/cultural resource access</p> <p>New sites created using non-CZMA funds</p> <p>a. beach/shoreline access</p> <p>b. recreational boat access</p> <p>c. other natural/cultural resource access</p>	<p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p>	<p>Local Government</p> <p>City & County of Honolulu</p> <p>Hawaii County</p> <p>Kauai County</p> <p>Maui County</p>	<p>Due to time and funding constraints to track the records for FY 04-05, counties could not provide information for this timeframe. Additionally, the county planners felt the current indicator system was insufficient in two respects: First, it does not allow them to report achievements with their own ("leveraged") funds. Second, for PA4 (this would not apply to PA5 or PA6), they thought it important to distinguish between new access sites required by SMA permits vs. new sites actually implemented ("established") over time.</p>	<p>Counties agree to provide information for FY 05-06. For each of the three types (beach, boat, natural/cultural resource)</p> <p>1. Sites required during the issuance of permits (under the "Using CZMA Funds" category).</p> <p>2. Sites actually built/constructed/established during the reporting period ("Using CZMA Funds").</p> <p>3. Sites created using leveraged funds.</p> <p>So the counties would report six rather than three figures for "Using CZMA Funds," and they would report three additional numbers under a new "Using Leveraged Funds" category. (Note: It is possible that the initial desire to do this may prove difficult for them to do in actual practice.)</p>	<p>Most of the new designated Hawaii public access sites come from county SMA permit actions. However, some other agencies still provide new parks or other access-creating public facilities. So, technically, the reporting effort for PA4 may need to gather four additional numbers for each of the three types (beach, boat, etc.):</p> <p>4. Sites created using CZMA funds (not permitting, hence no "required vs. established" dichotomy).</p> <p>5. Sites created, non-CZMA \$.</p> <p>6. Newly required, non-CZMA \$.</p> <p>7. Newly established, non-CZMA \$.</p> <p>This would balloon the current six figures for PA4 to 21. But in practice, most of these additional categories should not be applicable.</p>
PA5	<p>Number of existing public access sites that have been enhanced by category</p> <p>Sites enhanced using CZMA funds</p> <p>a. beach/shoreline access</p> <p>b. recreational boat access</p> <p>c. other natural/cultural resource access</p> <p>Sites enhanced using non-CZMA funds</p> <p>a. beach/shoreline access</p> <p>b. recreational boat access</p>	<p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p>	<p>Local Government</p> <p>City & County of Honolulu</p> <p>Hawaii County</p> <p>Kauai County</p> <p>Maui County</p>	<p>Due to time and funding constraints to track the records for FY 04-05, counties could not provide information for this timeframe. Additionally, as with PA4, they felt the current indicator system was insufficient in that it does not allow reporting of "enhancements" with leveraged funds.</p>	<p>Counties agreed to provide information for FY 05-06. For each of the three types (beach, boat, natural/cultural resources) they would also report number of sites enhanced with their own ("leveraged") funds. If this occurs, the Hawaii reports for PA5 would include nine rather than six separate numbers.</p>	<p>As with PA4, the situation results from the fact that most Hawaii public access activities stem from the SMA permit system, which is the responsibility of the four counties.</p>
PA6	<p>Number of sites where public access is protected or maintained through CZM permitting activities</p> <p>Sites protected or maintained using CZMA funds</p> <p>a. beach/shoreline access</p> <p>b. recreational boat access</p> <p>c. other natural/cultural resource access</p> <p>Sites protected or maintained using non-CZMA funds</p> <p>a. beach/shoreline access</p> <p>b. recreational boat access</p> <p>c. other natural/cultural resource access</p>	<p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p> <p>Data not available</p>	<p>Local Government</p> <p>City & County of Honolulu</p> <p>Hawaii County</p> <p>Kauai County</p> <p>Maui County</p>	<p>(Comments for PA5 above also apply to PA6.)</p> <p>County planners noted that the combination of "protection" and "maintenance" in this item is potentially confusing. "Maintenance" seems more conceptually related to "enhancement" activities. There were some unresolved questions. For example, if counties use CZMA funds to maintain existing access site grounds (e.g., weeding), is that "enhancement" or "maintenance?"</p>	<p>(Comments for PA5 above also apply to PA6.)</p> <p>The Federal government could help resolve this issue by providing further guidelines or an amended Glossary.</p>	<p>(Comments for PA5 above also apply to PA6.)</p>

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INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
PA7	Percent of public that feels they have adequate access to the coast for recreation purposes State/County Survey Exists? Total Survey Respondents Number of respondents who indicated they have adequate access (those who indicated "very good" or "fairly good") Percentage equivalent	Yes 1,352 649 48%	Hawaii Tourism Authority 2005 Survey of Resident Sentiments Toward Tourism in Hawaii conducted statewide from October-December 2005. The survey included the following question: "Overall, how good a job do you think government has done on the following things related to tourism" [various items, including] providing public access to beaches in resort areas - very good, fairly good, fairly poor or very poor."	During the specific reporting period, 01 July 2004 to 30 June 2005, no such survey was conducted. However, the Hawaii Tourism Authority conducted a statewide survey on the sentiments of the residents toward tourism in Hawaii. The survey was conducted from October to December 2005. The question wording did not quite match the NCMPPMS, but came close. Also, statewide results had been weighted because the sample was disproportionate (i.e. over-sampling of certain islands to provide statistically valid results for those areas). Therefore, the "number" indicating satisfaction was problematic: Should this be the weighted or unweighted sample number?	We used the available survey data, and estimated the weighted number based on statewide percentage results. However, we recommend the Federal government revise its Glossary for this item to address two issues: 1. From a statistical perspective, it is actually incorrect to try to obtain a national figure by summing individual state samples and answers unless each state survey uses identical wording and unweighted samples. 2. Because many people have no opinion, the % feeling they have adequate access does not mean much without also reporting the % feeling the opposite.	Because Hawaii beaches are all public, the greatest concern is really whether residents believe they have adequate access in resort areas. The statewide sample was weighted for geography, and sampling error was $\pm 3.6\%$. The % of respondents who responded with "fairly poor" or "very poor" was just 25% of the total. The remainder were "don't know" or "mixed" responses. Thus, of those with an opinion, the satisfied population outnumbered the dissatisfied by nearly a 2:1 ratio.
PA8	Percent of acres in coastal zone open for public use Total acres of land within the coastal zone Total special management area (statewide) State waters (3 miles seaward) Number of acres in coastal zone that are open for public	2,079,175 acres 230,433 acres 1,848,742 acres 1,859,181 acres	Hawaii Statewide GIS Program housed in the Office of Planning Primary contact: Dennis Kim Data collected: 11-Jan-06	The State of Hawaii has a reliable GIS portal upon which the data required under this category can be obtained.		
PA9	Percent of total miles of beach in coastal zone open for public use Total number of beach miles within the coastal zone Number of beach miles in coastal zone that are open for public	1,148 miles 1,078 miles	Hawaii Statewide GIS Program housed in the Office of Planning Primary contact: Dennis Kim Data collected: 11-Jan-06	The State of Hawaii has a reliable GIS portal from which the data required under this category can be obtained.		

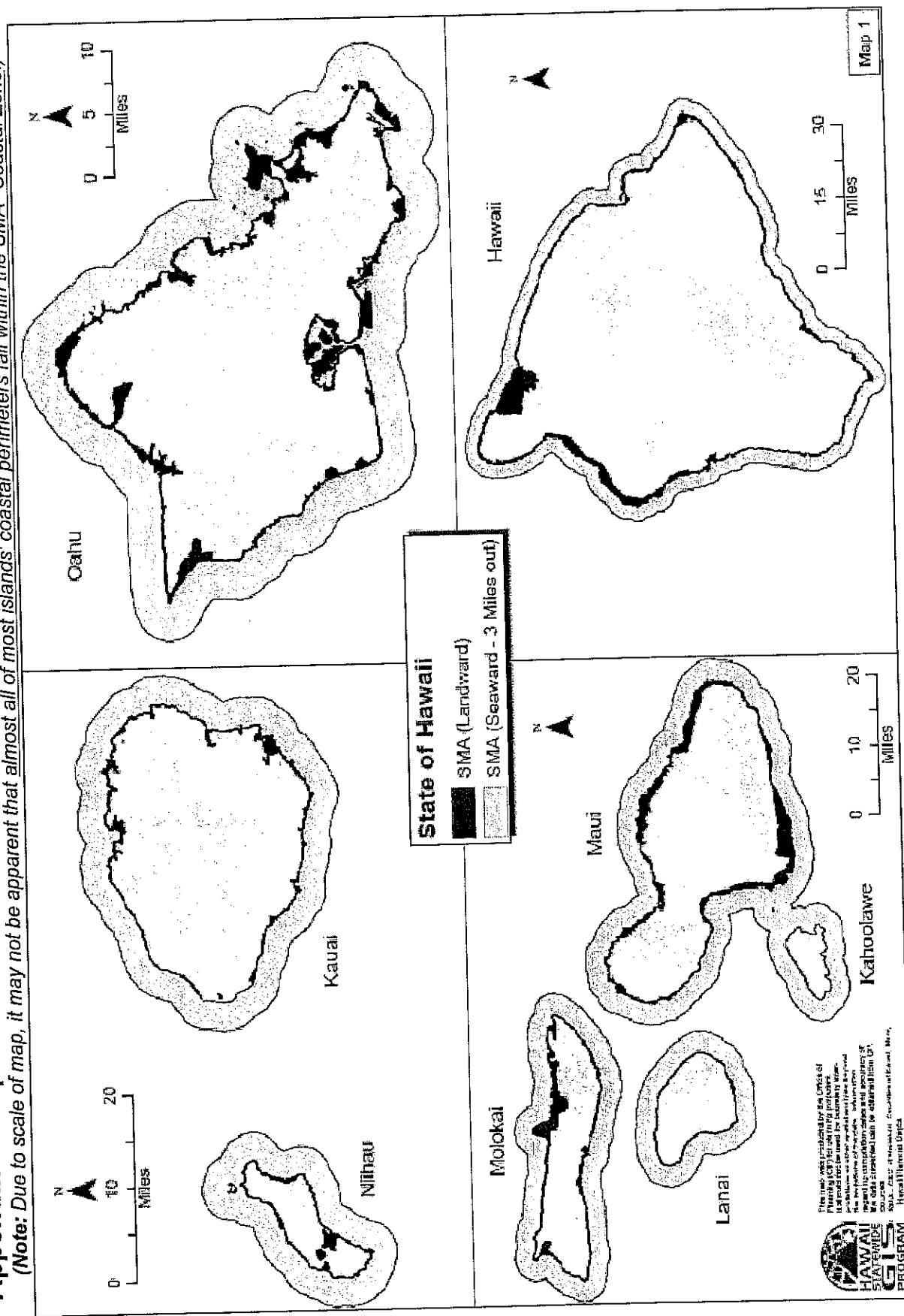
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INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
PA10	Number of coastal sites open for public use	1,078 access sites	Hawaii Statewide GIS Program housed in the Office of Planning Primary contact: Dennis Kim Data collected: 11-Jan-06	The State of Hawaii has a reliable GIS portal from which much of the data required under this category can be obtained. However, it does not include the number of perpendicular access sites.	The Surfrider Foundation conducts periodic beach assessments across the nation. Based on their 2004 beach access review, Hawaii has one beach access site per mile of shoreline. Data are accessible from: http://www.surfrider.org	
	Number of public recreational boat access sites	2,212 "sites" 2,122 moorings and berths	Department of Land and Natural Resources, Division of Boat and Ocean Recreation (DOBOR)	The Division of Boat and Ocean Recreation has been conducting an annual inventory of State harbor facilities as well as financial stand- ing of the different harbor facilities.	Regarding the survey of harbor facilities and recreational boat access sites, the consultants suggest the Hawaii CZM Program task its staff or future consultants to meet with DOBOR to assure both (1) annual survey timing and also (2) that survey content meets requirements of the performance measures system. It is suggested that any survey include an annual inventory of new facilities as well as facilities that were enhanced or maintained during a given fiscal year. It would be ideal for the Hawaii CZM Program if DOBOR can assign a liaison for the annual data collection.	The statewide total only includes functioning facilities. It does not include facilities out of service and offshore moorings as well as the seasonal berths and moorings.
	Number of public access sites for natural or cultural resource areas	50 boat ramps 21 harbors 19 piers	Hawaii Harbors, Facilities and Financial Fact Sheets 2004 Report prepared by Pam Smith, DOBOR consultant, Ph. 398-5556	The most recent report includes data for Fiscal year 2002, 2003 and 2004. The annual inventory of facilities and finances report includes a survey of existing and functioning as well as out of service moorings, berths, boat ramps, docks, harbors and piers. A statewide summary of the harbor facilities was used as the baseline information for the number of public recreational boat access sites. Private and undesignated moorings and berths were not included in the survey.	If and as they become available, additional cultural sites will be identified for FY 05-06 or future reports.	Certain Native Hawaiian cultural sites are important to the indigenous population, but are considered sacred or inappropriate for access by the general population.
	Lighthouses Fishponds Wetlands (coastal and terrestrial)	136 "sites" (excludes wetlands) 9 sites 127 sites 19,824 acres	Hawaii Statewide GIS Program housed in the Office of Planning Primary contact: Dennis Kim Data collected: 11-Jan-06 Data for lighthouses were derived from: http://www.lighthousefriends.com Data for wetlands were derived from the US Fish and Wildlife Service Wetlands Inventory	The State of Hawaii has a reliable GIS portal from which the data required under this category can be obtained. However, due to cultural sensitivity of some of the resources under this category, some of the cultural resources such as <i>heiau</i> and petroglyph fields are not included. Additionally, the unit of measurement for wetlands in the GIS is "acres," rather than "sites." There seems to be an "apples and oranges" problem in adding these to more clearly discrete sites such as lighthouses.	Hawaii has no immediate solution to the problem of different units of measurement. We would expect this issue to arise in other states as well and hope the federal government can provide guidelines.	

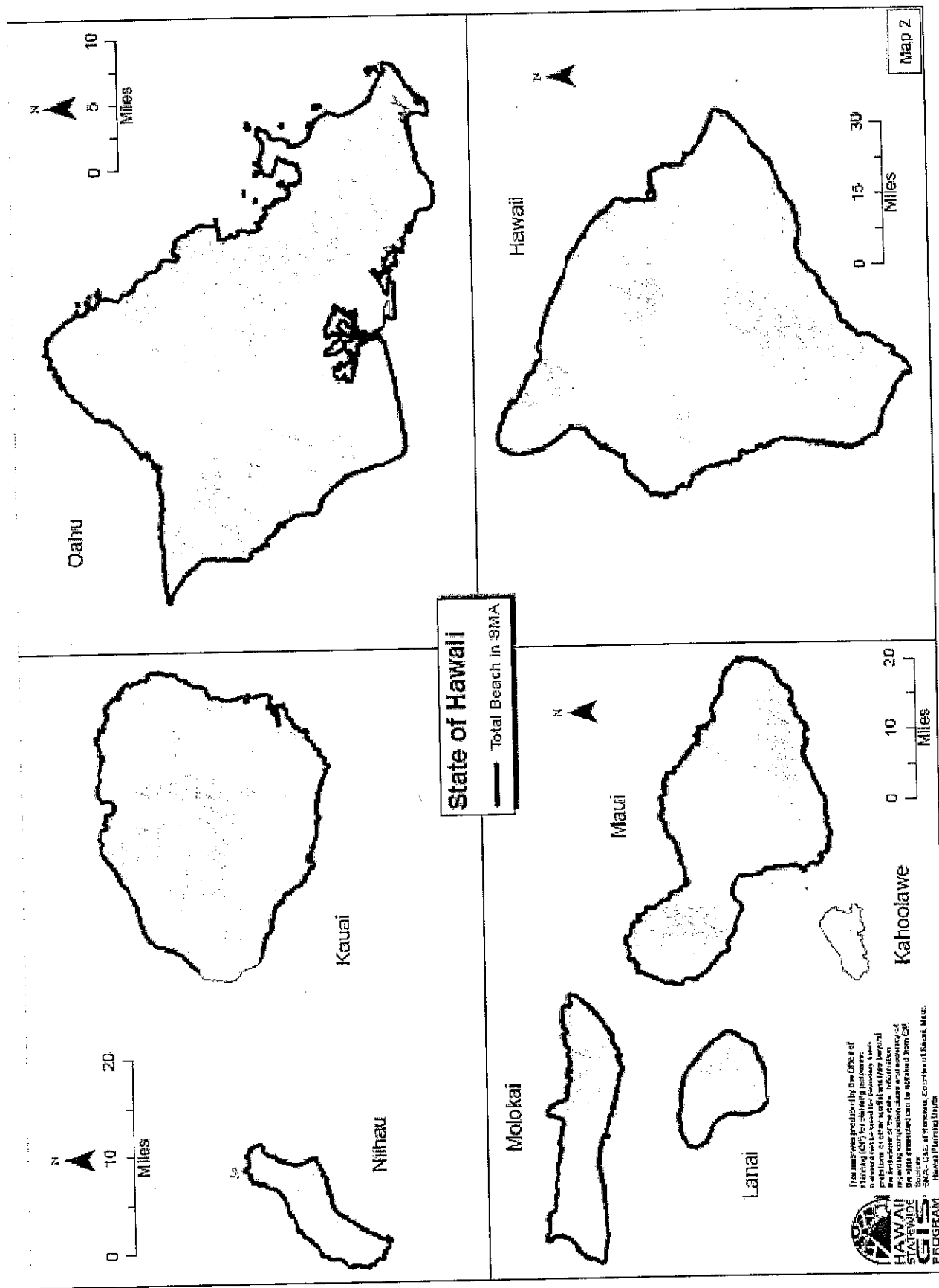
Appendix C: Maps of Coastal Zone, Beach, Natural/Cultural Resources, and Boat Access Sites

Appendix C: Maps of Coastal Zone, Seismic Hazard Zone, and

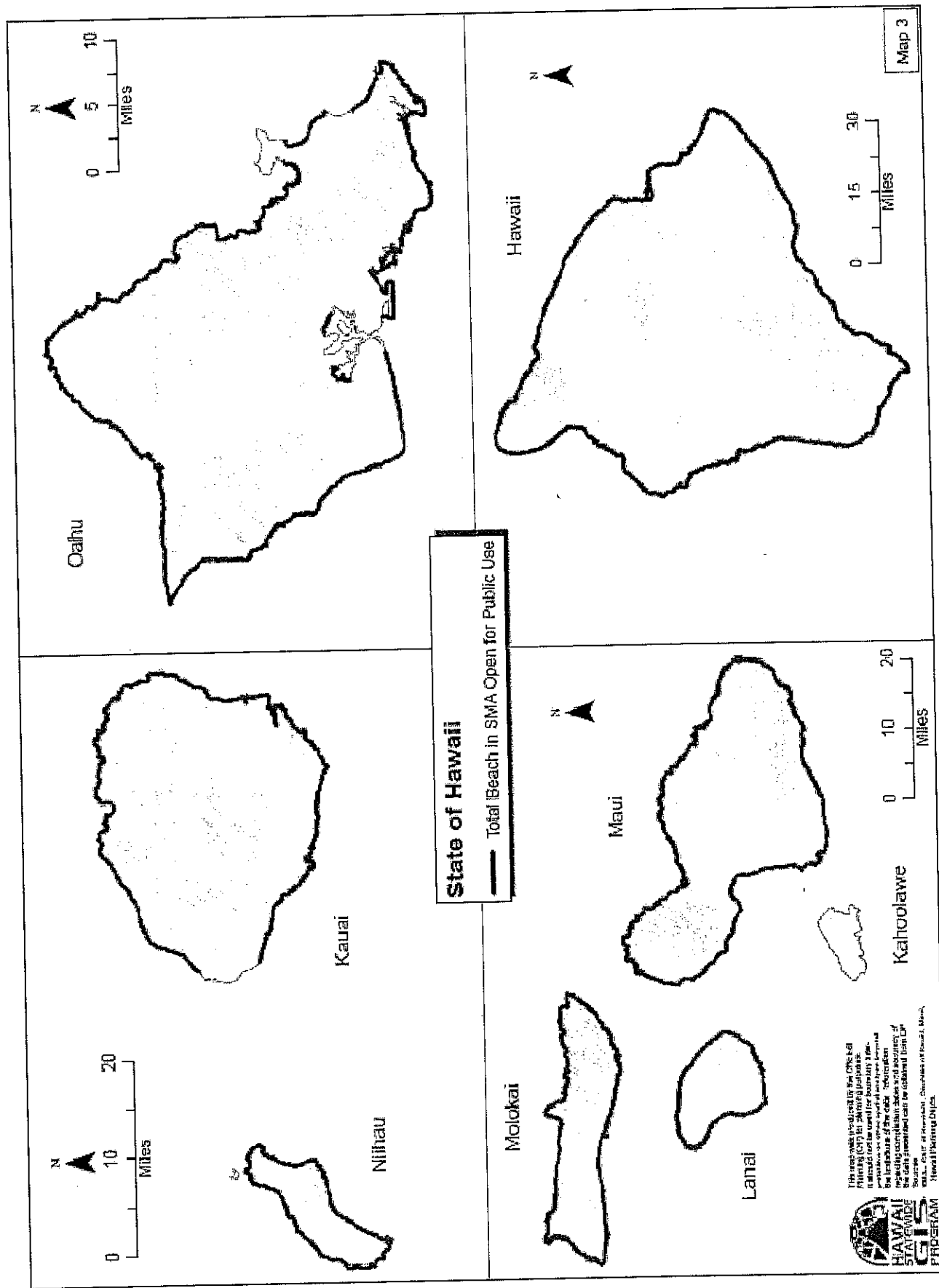
(Note: Due to scale of map, it may not be apparent that almost all of most islands' coastal perimeters fall within the SMA "Coastal Zone.")



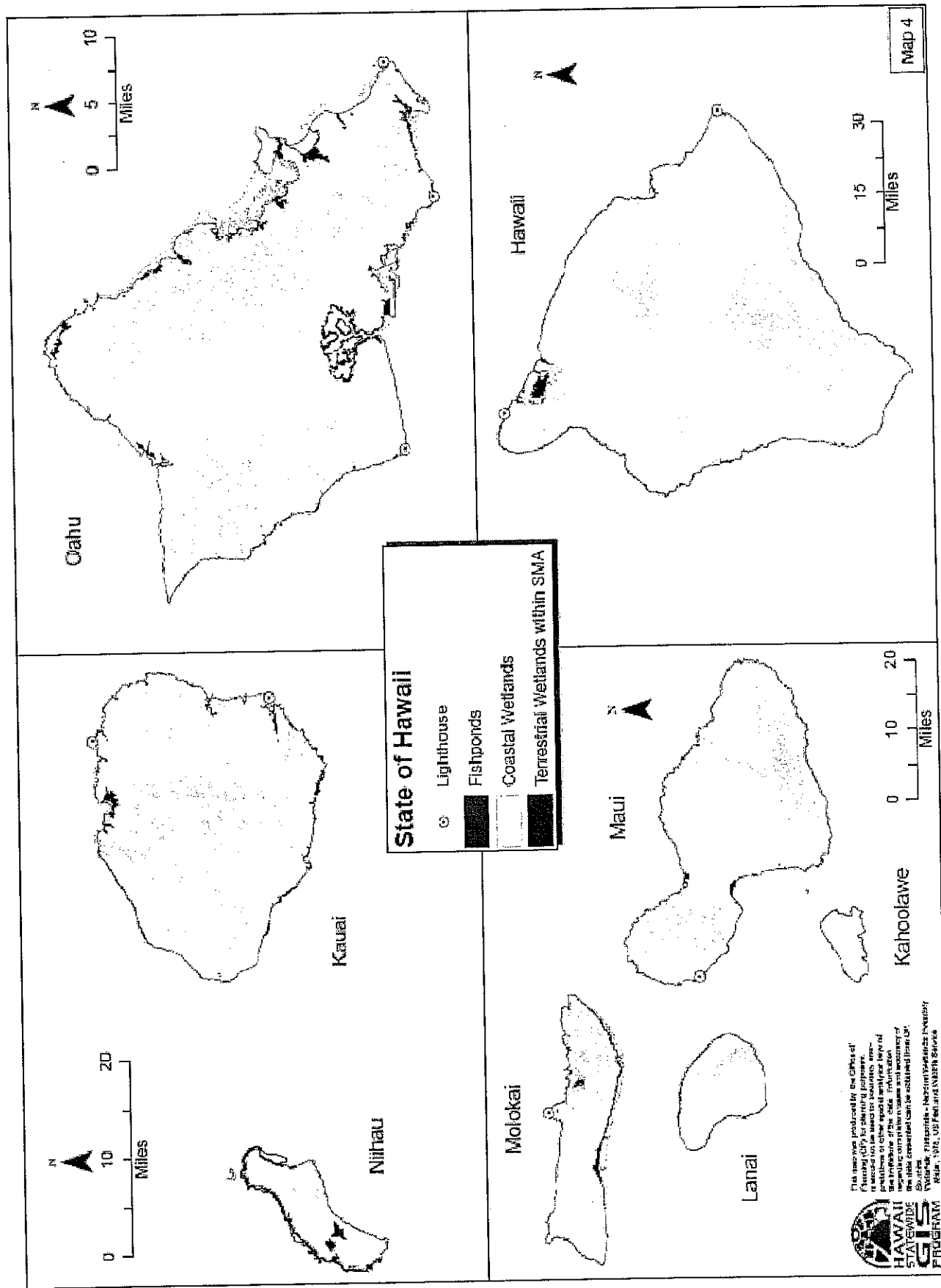
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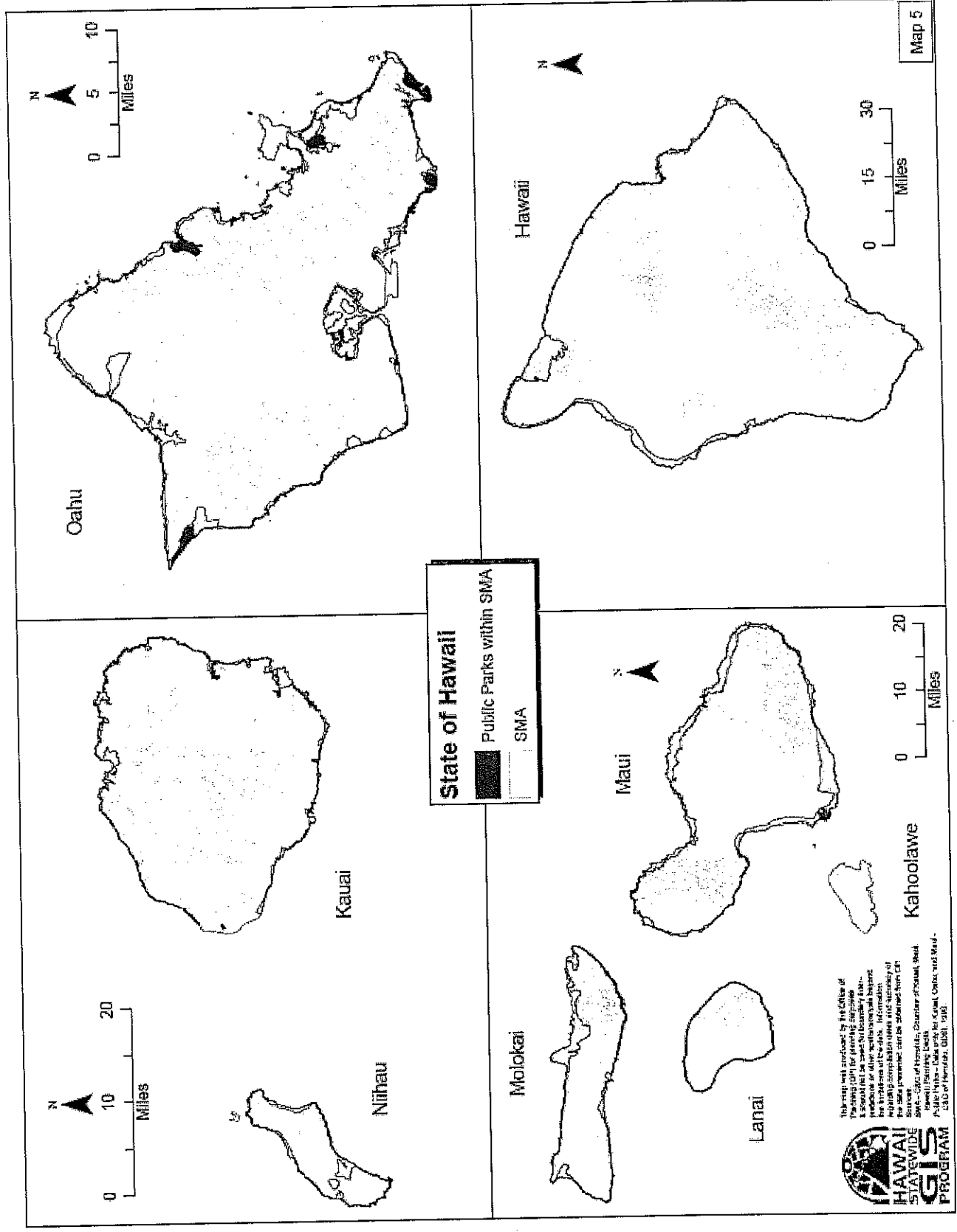
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Appendix D: Summary of Results for Government Coordination and Decision-Making Indicators

INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
GCD1	Number of CZM programs that support local government through a) technical and b) financial assistance		Office of Planning CZM Program Grants and Projects Database Data collected: 20-Jan-06	In the Hawaii CZM Program, all assistance provided to the counties is categorized as financial assistance. The absence of a category accounting for technical assistance alone was the big challenge.	For the purposes of this reporting system, the Hawaii CZM Program and its consultants formulated their own definitions for technical and financial assistance. For technical assistance, dollar value of personnel/staff salary was calculated based on the dedicated staff time that Hawaii CZM staff allocates to help the counties.	
	a) Does the CZM program use CZMA federal or matching funds to provide technical assistance programs for local governments in the coastal zone?	Yes				
	b) Does the CZM program use CZMA federal or matching funds to provide technical assistance programs for local governments in the coastal zone?	Yes			For future reporting, the Hawaii CZM Program plans to conduct an annual survey of dedicated staff time to assist local governments.	
GCD2	Percent of CZMA funds used to support local governments through a) technical assistance and b) financial assistance		Office of Planning CZM Program Grants and Projects Database Data collected: 20-Jan-06	The absence of national guidelines on what should be included as technical and financial assistance projects and activities was a big challenge in accounting for the funding used. Hence, for the purposes of this reporting system, the State CZM Program formulated its own definitions for technical and financial assistance.	See above. Also, it would be helpful if NOAA-OCRM can provide further guidelines on what projects should be counted as technical assistance versus financial assistance. This will help the program in identifying the kinds of assistance that the counties receive. In addition, this will help identify program needs.	
	Total number of CZMA federal and matching funds used to support local governments	\$2,236,133				
	Number of CZMA funds used for technical assistance	\$251,943				
	Number of CZMA funds used for financial assistance	\$1,984,190				

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INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
GCD3	<p>Percent of federal consistency projects that are consistent with program standards</p> <p>Number of federal consistency projects received</p> <p>Number of projects that were approved as originally proposed to the CZM program</p> <p>Federal agency activities</p> <p>Federal license or permit activities</p> <p>Projects implemented under</p> <p>Outer Continental Shelf (OCS) plans</p> <p>Federal financial assistance to</p> <p>state agencies and local governments</p> <p>Number of projects that were approved due to modifications and consultations</p> <p>Federal agency activities</p> <p>Federal license or permit activities</p> <p>Projects implemented under</p> <p>Outer Continental Shelf (OCS) plans</p> <p>Federal financial assistance to</p> <p>state agencies and local governments</p>	<p>81</p> <p>75</p> <p>22</p> <p>39</p> <p>Not Applicable</p> <p>14</p> <p>4</p> <p>2</p> <p>1</p> <p>Not Applicable</p> <p>1</p>	<p>Office of Planning CZM Program</p> <p>Fed. Consistency Database</p> <p>c/o JD Nakagawa</p> <p>Data collected: 23-Nov-05</p>	<p>There were no problems encountered in collecting data for the percent of federal consistency projects that are consistent with program standards since the Office of Planning has a database tracking system.</p>		<p>The outer continental shelf requirement does not apply in Hawaii.</p>
GCD4	<p>Number of educational activities (including stewardship events) and training opportunities offered by the CZM program</p> <p>Number of educational activities offered using CZMA funds</p> <p>Number of training opportunities offered using CZMA funds</p> <p>List of educational activities and training opportunities</p> <ol style="list-style-type: none"> 1. Get the Drift and Bag It: Coastal Clean-Up with the Ocean Conservancy International 2. Ohia Productions, "Beneath the Ocean Blue" 3. He'eia Kea Watershed Outreach Project 4. Earth Day Molokai 5. Earth Day Hilo 6. Earth Day O'ahu 7. Summer Reading Program 8. Marine Conservation Evening 9. Hawaii Summit-to-Sea 10. Tsunami! Preparing for the Next Big Wave 11. Erosion and Sediment Control Workshop 12. CZM Compliance Workshop 13. TMDL Workshop 14. Watershed Resources Educational Program for Decision-Makers 15. Non-point Education for Municipal Officials 16. Earthquake Hazards Risk Assessment Training 17. Boating Safety Workshop 	<p>10</p> <p>7</p>	<p>The Bi-annual Performance Reports submitted by Counties to the State CZM Program</p> <p>Office of Planning CZM Program</p>	<p>The accounting of educational activities and training opportunities on the bi-annual performance reports is in a narrative fashion. There is no special section of the report identifying each of the activities. One has to read all through the report to filter which of the activities reported are educational activities or training opportunities. The absence of a summary list makes the data collection for this indicator tedious.</p>	<p>This can be captured in the bi-annual performance reports. An additional form which accounts for the list of activities and number of participants can be appended to the report.</p> <p>In order to account for additional educational activities and training opportunities conducted by other network agencies, the Hawaii CZM Program can include in its proposal requirement an additional section, which will capture not only GCD4 but also other relevant indicators (e.g., dollar allocation).</p>	

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INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
GCD5	<p>Number of participants in educational activities and training opportunities offered by the CZM program</p> <p>Number of people that participated in educational activities using CZMA funds</p> <p>Number of people that participated in training opportunities using CZMA funds</p> <p>Number of participants as per activity on GCD4</p> <ol style="list-style-type: none"> 1. Get the Drift and Bag It: Coastal Clean-Up with the Ocean Conservancy International 2. Ofia Productions, "Beneath the Ocean Blue" 3. He 'eia Kea Watershed Outreach Project 4. Earth Day Molokai 5. Earth Day Hilo 6. Earth Day O'ahu 7. Summer Reading Program 8. Marine Conservation Evening 9. Hava'i Summit-to-Sea 10. Tsunami! Preparing for the Next Big Wave 11. Erosion and Sediment Control Workshop 12. CZM Compliance Workshop 13. TMDL Workshop 14. Watershed Resources Educational Program for Decision-Makers 15. Non-point Education for Municipal Officials 16. Earthquake Hazards Risk Assessment Training 17. Boating Safety Workshop 	<p>33,556</p> <p>Data Not Available</p>	<p>The Bi-annual Performance Reports submitted by Counties to the State CZM Program</p> <p>Office of Planning CZM Program</p>	<p>As with GCD4, the number of participants from the activities was not included in the performance report narrative. There are cases, however, that include the number of brochures distributed. Participants on coastal beach clean-up, for instance, were not accounted for in the narrative report.</p>	<p>Since GCD5 is closely linked to GCD4, see above recommendations for GCD4.</p> <p>For fiscal year 2004-2005, the number of participants/audience/beneficiaries was not included in the performance report. Data for Phase 1b will include an entry for training opportunities.</p>	

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INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
GCD6	Number of CZMA dollars spent per year on research and tools (including surveys) to improve coastal management decision making CZMA federal dollars CZMA matching dollars	\$536,477 \$208,910	Office of Planning CZM Program Grants and Projects Database c/o Susan Feeney Data collected: 18-Jan-06	As with the issues raised above for other indicators requiring a dollar figure, this indicator was relatively challenging in the sense that most of the activities and projects conducted by the State CZM Program are not categorized into research and tools activities that aim to improve coastal management decision making.	Align to the previous proposed actions. GCD6 can be tracked down within the Hawaii CZM Program if this can be incorporated in the funding disbursement database, as well as proposal requirement and performance reports. The consultants recommend that the Hawaii CZM Program prepare guidelines on what can be considered as a "research or tools" expense. A preliminary set of examples of what can be considered as research and tools to improve coastal decision-making is provided in the explanation of terms / definitions (Appendix A).	
GCD7	Number of approved CZM programs that have adopted streamlined permitting processes (through joint inter-agency review, general permits, etc.) Has your CZM program adopted streamlined or substantially improved permitting processes that affect the coastal zone?	Not Applicable	Office of Planning CZM Program Contact: Douglas Tom Hawaii CZM Program Manager			The counties are responsible for permitting. The state has the only "approved CZM program," but is not responsible for SMA permitting.

INDICATOR NUMBER	INDICATOR DESCRIPTION	INDICATOR VALUE	DATA SOURCES	ISSUES DURING DATA COLLECTION	PROPOSED SOLUTIONS	NOTES ABOUT HAWAII
GCD8	Number of approved CZM programs that have up-to-date program management plans Is your coastal management program plan up-to-date?	No	Office of Planning CZM Program Contact: Douglas Tom Hawaii CZM Program Manager			The Hawaii CZM Program document was last updated in July 1990. The Program Document will be updated based on substantive changes affecting the program, rather than on a periodic basis.
GCD9	Number of approved CZM programs that have program guides to improve public understanding of the program Does your CZM program have guides to improve public understanding of the program?	Yes	Office of Planning CZM Program CZM Staff Contact: Douglas Tom Hawaii CZM Program Manager			

NOAA SPECIAL CONDITIONS

1. Audits and Inspections. The CONTRACTOR shall permit an authorized representative of the STATE, at all reasonable times, to inspect and make copies of all summaries, maps, charts, graphs, tables, recommendations, publication material, electronic records, and other documents produced in whole or in part under this Contract. Such material shall be delivered and surrendered to the STATE on demand and shall become the property of the STATE. The STATE, the Secretary of Commerce of the United States, the Comptroller General of the United States or any of their duly authorized representatives shall, for a period of three (3) years from the expiration of the final financial report made under the Grant, have access to any directly pertinent books, documents, paper and records of the CONTRACTOR involving transactions related to the performance of this Contract for the purposes of making audit, examination, excerpts, and transcriptions. The CONTRACTOR shall maintain all records of expenses related to this Contract by generally accepted accounting methods and principles. All required records shall be maintained for three (3) years after the STATE's submission of the "Financial Status Report" under the Grant. All subcontracts awarded by the CONTRACTOR that are payable from the Contract funds in whole or in part shall contain a provision to the same effect.
2. Nondiscrimination. The CONTRACTOR assures that the activities supported by this Contract shall be conducted in compliance with Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, 42 U.S.C. §2000D, and the requirements imposed by the Regulations of the United States Department of Commerce, 15 CFR Part 8, issued pursuant to that Title. In accordance therewith, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the CONTRACTOR received Federal financial assistance and shall immediately take any measures necessary to effectuate this assurance. The CONTRACTOR shall insert a similar provision in all subcontracts for services required under this Contract.
3. Officials Not to Benefit. No member of, or delegate to, the Congress of the United States of America or resident Federal commissioner shall be admitted to any share or part of the subgrant amount or to any benefit arising out of this Contract.
4. Equipment Acquired with Contract Funds. Acquisition of equipment by the CONTRACTOR or any of its agents, whether wholly or in part with funds provided by this Contract, shall be in furtherance of and in connection with coastal zone management purposes, and shall require the prior written approval of the STATE. Title to such equipment shall be vested with the STATE and appropriate property records shall be maintained by the CONTRACTOR. "Equipment" as used in this paragraph shall be defined as goods with a life expectancy or durability of one year or more and whose

value or cost per unit is TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) or more.

5. Publication of Paper. If the CONTRACTOR uses National Oceanic and Atmospheric Administration financial assistance to publish a paper based in whole or in part on the work funded by this Contract, the author shall assure that the paper bears the following notation:

“this paper is funded (‘in part’ if appropriate) by a grant from the National Oceanic and Atmospheric Administration. The views expressed herein are those of the author(s) and do not necessarily reflect the views of NOAA or any of its sub-agencies.”

6. Government Debarment, Suspension and Other Responsibility Matters (Nonprocurement). The CONTRACTOR assures that the activities supported by this Contract shall be conducted in compliance with Executive Order 12549, Debarment and Suspension, and 15 CFR Part 26, “Government-wide Debarment and Suspension (Nonprocurement).” In accordance therewith, unless authorized by the U.S. Department of Commerce in writing, a person (as defined at 15 CFP part 26.105(n)) who is debarred or suspended shall be excluded from Federal financial and non-financial assistance and benefits under Federal programs and activities except to the extent prohibited by law or authorized in writing by the U.S. Department of Commerce.

Further, unless the U.S. Department of Commerce authorizes in writing an exception in accordance with 15 CFR Parts 26.215, and/or 26.625, the Recipient of this lower tier covered transaction shall not knowingly do business under a covered transaction with a person who is debarred or suspended, or with a person who is ineligible for or voluntarily excluded from that covered transactions (other than no-cost time extensions) with any person who is debarred, suspended, ineligible or voluntarily excluded, except as provided in 15 CFR Part 26.215.

7. Restrictions on Lobbying (applicable to awards exceeding \$100,000 in Federal funds). This Contract is subject to Section 319 of Public Law 101-121, which added Section 1352, regarding lobbying restrictions, to Chapter 13 of Title 31 of the United States Code. The new section is explained in the common rule, 15 CFR Part 28 (55 FR 6736-6748, 2/26/90). Each recipient of this subgrant and subrecipients are generally prohibited from using Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with this award.
 - a. The CONTRACTOR must file with the STATE Form CD-512, "Certification Regarding Lobbying Lower Tier Covered Transactions," and Standard Form-LLL, "Disclosure of Lobbying Activities," regarding the use of any non-Federal funds for lobbying. In addition, the CONTRACTOR must file a disclosure form within 15 days of the end of each calendar quarter in which there occurs any event

that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person.

- b. The CONTRACTOR shall require each person who requests or receives from the CONTRACTOR a subgrant, contract, or subcontract exceeding \$100,000 of Federal funds at any tier under this Contract, to file Form CD-512, "Certification Regarding Lobbying Lower Tier Covered Transactions," without modification, and, if applicable, Standard Form-LLL, "Disclosure of Lobbying," regarding the use of any non-Federal funds for lobbying. Certifications shall be retained by the next higher tier. All disclosure forms, however, shall be forwarded from tier to tier until received by the STATE, who shall forward all disclosure forms to the Grants Officer.

- c. The CONTRACTOR shall include the following provision in all contracts, subcontracts, or subgrants:

"This contract, subcontract, or subgrant is subject to Section 319 of Public Law 101-121, which added Section 1352, regarding lobbying restrictions to Chapter 13 of Title 31 of the United States Code. The new section is explained in the common rule, 15 CFR Part 28 (55 FR 6736-6748, 2/26/90). Each bidder/applicant/recipient of this contract, subcontract, or subgrant, and subrecipients are generally prohibited from using Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with this award."

- d. The CONTRACTOR shall include the following contract clauses regarding lobbying in each application for a subgrant and in each bid for a contract or a subcontract exceeding \$100,000 of Federal funds at any tier under the Federal award:

"Each applicant/recipient of a subgrant and each bidder/applicant/recipient of a contract or subcontract exceeding \$100,000 of Federal funds must file Form CD-512, "Certification Regarding Lobbying Lower Tier Covered Transactions," regarding the use of any non-Federal funds for lobbying. Certifications shall be retained by the next higher tier. All disclosure forms, however, shall be forwarded from tier to tier until received by the Recipient of the Federal award, who shall forward all disclosure forms to the Grants Officer."

Each subgrantee, contractor, or subcontractor that is subject to the Certification and Disclosure provision of this contract clause is required to file a disclosure form within 15 days of the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person.

Disclosure forms shall be forwarded from tier to tier until received by the STATE, who shall forward all disclosure forms to the Grants Officer.

8. The CONTRACTOR shall be required to certify compliance with Federal regulations relating to lobbying "Certification Regarding Lobbying Lower Tier Covered Transactions."

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM
OFFICE OF PLANNING

NATIONAL COASTAL MANAGEMENT
PERFORMANCE MEASUREMENT SYSTEM PROJECT
PHASES 1B, 2, & 3

SOLICITATION No. RFP-06-20-OP

EXHIBIT G – NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
(NOAA) SPECIAL CONDITIONS

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)
SPECIAL CONDITIONS**

1. Audits and Inspections. The CONTRACTOR shall permit an authorized representative of the STATE, at all reasonable times, to inspect and make copies of all summaries, maps, charts, graphs, tables, recommendations, publication material, electronic records, and other documents produced in whole or in part under this Contract. Such material shall be delivered and surrendered to the STATE on demand and shall become the property of the STATE. The STATE, the Secretary of Commerce of the United States, the Comptroller General of the United States or any of their duly authorized representatives shall, for a period of three (3) years from the expiration of the final financial report made under the Grant, have access to any directly pertinent books, documents, paper and records of the CONTRACTOR involving transactions related to the performance of this Contract for the purposes of making audit, examination, excerpts, and transcriptions. The CONTRACTOR shall maintain all records of expenses related to this Contract by generally accepted accounting methods and principles. All required records shall be maintained for three (3) years after the STATE's submission of the "Financial Status Report" under the Grant. All subcontracts awarded by the CONTRACTOR that are payable from the Contract funds in whole or in part shall contain a provision to the same effect.
2. Nondiscrimination. The CONTRACTOR assures that the activities supported by this Contract shall be conducted in compliance with Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, 42 U.S.C. §2000D, and the requirements imposed by the Regulations of the United States Department of Commerce, 15 CFR Part 8, issued pursuant to that Title. In accordance therewith, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the CONTRACTOR received Federal financial assistance and shall immediately take any measures necessary to effectuate this assurance. The CONTRACTOR shall insert a similar provision in all subcontracts for services required under this Contract.
3. Officials Not to Benefit. No member of, or delegate to, the Congress of the United States of America or resident Federal commissioner shall be admitted to any share or part of the subgrant amount or to any benefit arising out of this Contract.
4. Equipment Acquired with Contract Funds. Acquisition of equipment by the CONTRACTOR or any of its agents, whether wholly or in part with funds provided by this Contract, shall be in furtherance of and in connection with coastal zone management purposes, and shall require the prior written approval of the STATE. Title to such equipment shall be vested with the STATE and appropriate property records shall be maintained by the CONTRACTOR. "Equipment" as used in this paragraph shall be defined as goods with a life expectancy or durability of one year or more and whose value or cost per unit is TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) or more.

5. Publication of Paper. If the CONTRACTOR uses National Oceanic and Atmospheric Administration financial assistance to publish a paper based in whole or in part on the work funded by this Contract, the author shall assure that the paper bears the following notation:

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Further, unless the U.S. Department of Commerce authorizes in writing an exception in accordance with 15 CFR Parts 26.215, and/or 26.625, the Recipient of this lower tier covered transaction shall not knowingly do business under a covered transaction with a person who is debarred or suspended, or with a person who is ineligible for or voluntarily excluded from that covered transactions (other than no-cost time extensions) with any person who is debarred, suspended, ineligible or voluntarily excluded, except as provided in 15 CFR Part 26.215.

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Each subgrantee, contractor, or subcontractor that is subject to the Certification and Disclosure provision of this contract clause is required to file a disclosure form within 15 days of the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person. Disclosure forms shall be forwarded from tier to tier until received by the STATE, who shall forward all disclosure forms to the Grants Officer.

- 8. The CONTRACTOR shall be required to certify compliance with Federal regulations relating to lobbying "Certification Regarding Lobbying Lower Tier Covered Transactions."